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IMPRESSIONS OF MONSIGNOR KNOX'S *NEW TESTAMENT*

I am not attempting an exhaustive examination of Monsignor Knox's *New Testament in English.* It is a work that has to be read and reread, and time is required to ascertain whether one likes the taste of it. Its new way of putting things is different from anything we have been accustomed to. However, since the weekly London *Tablet* has allowed us, for approximately the last two years, to see the author at work, some rambling first impressions of the results may not, perhaps, be unwelcome to the reader.

By becoming a translator of the New Testament, Msgr. Knox has definitely taken his place in the history of Bible translation. After receiving the Greek New Testament as a gift of the Holy Spirit, the Church was not long in making the priceless jewel known to "all the nations" through the medium of vernacular versions.[1] A first epoch in the discharge of this missionary duty may be said to comprise those more or less awkward attempts at translation which were made in the second, third, and fourth centuries. Even about 165 Tertullian was acquainted with a Latin version.

A second epoch began when Pope St. Damasus I (before 400) ordered St. Jerome to bring order out of chaos by revising the earlier versions or retranslating certain parts of the Bible. The fruit of these labors was the Vulgate, which, in its Clementine revision, is in use in the Church to this day.

A third epoch—the most fruitful of all—may be dated from about 350, when Ulfilas provided his countrymen with a Gothic version, which was destined to inaugurate that endless series of New Testament translations in Western tongues.

A fourth epoch brings us more closely to our own times. At the beginning of the 17th century appeared the Rheims version, which, after passing through many revisions, is still used in England and America. How long the Douay, the last of these revisions, will live, in spite of our Catholic Revision of 1941, it is impossible to predict; but, at any rate, I venture to say that scholars will be within their rights if they date a fifth epoch in Catholic

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[1] The need of vernacular translations is much emphasized in Pope Pius XII's recent Encyclical on biblical studies.

Bible translation from the publication, in 1944, of Msgr. Knox's *The New Testament of Our Lord and Saviour Jesus Christ.*

If the claim I have just made for this latest version seems somewhat bold, I wish it, at all events, to be understood as an expression of sincere admiration for Msgr. Knox and the *New Testament.*

GENERAL IMPRESSION

Msgr. Knox did not see fit to preface the *New Testament* with a statement of the aims he wished to realize by this translation. It follows, then, that if we wish to appreciate it as *a literary composition,* we must depend, partly, on such information as the publishers have given us from time to time, and, partly, on our own analysis of the text. A full-page advertisement in *America* (November 4, 1944), signed F. J. S., lays stress on the fact that the Knox translation is "not a modernization of the Douay. His translation is of the twentieth century." The publishers also tell us that the author's principal aim was "clarity, using no expression that is not current in modern English." He "has a way of putting things which makes difficult passages become clear in the reading." This, then, is what we have been led to expect: accuracy, clarity, and modernity of expression. And this is what we actually find in the *New Testament.*

The reader now understands why I said that the Knox version is the beginning of a fresh epoch in Catholic Bible translation. We have at last what many of us have been looking for: not a mere modernization, not a mere touching up of the Douay, but an entirely new text which modernizes the authentic message of the New Testament. We live and move and have our being in the twentieth century; it is perfectly proper, therefore,[2] that we should have the life and teaching of Christ explained to us in a language we can relish, a language which alone can thrill us. Viewed, then, through the eyes of modern man, the Knox version is an epoch-making event. Its break with the spirit of the Douay, if not always with the letter, is complete.

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[2] A fuller statement of my point of view will be found in two papers contributed to *The American Ecclesiastical Review:* "An Important Principle in Rendering the Gospels into Modern English" (CX, 6 [June, 1944]), and "Emotion in the Gospels" (CXI, 5 [Nov., 1944]).

THE EPISTLES

Those who accept Msgr. Knox's point of view will find much to admire in his Epistles and the rest of the New Testament.

In the first place, "Difficult passages become clear in the reading." This promise held out by the publishers is amply redeemed by the author. Two instances may suffice: "God does not repent of the gifts he makes, or of the calls he issues." "Do not let anybody have a claim upon you, except the claim that binds us to love one another."

Secondly, those who are more interested in beauty than in truth will occasionally be startled by a "loss in poetry," but they need to be reminded that the original Greek, excepting some isolated passages, is that of the *colloquial non-literary* prose of the Koiné.

Thirdly, St. Paul's style can be clumsy, awkward, intricate; but one can enjoy the Knox version. The diction is smooth, the language on the whole sonorous. The sentence movement has swing in it. *Rom.* 12: "And now, brethren, I appeal to you by God's mercies to offer up your bodies as a living sacrifice, consecrated to God and worthy of His acceptance; this is the worship due from you as rational creatures. And you must not fall in with the manners of the world; there must be an inward change, a remaking of your minds, so that you can satisfy yourselves what is God's will, the good thing, the desirable thing, the perfect thing." Here is the real St. Paul, his theological discussions, his passionate appeals, clothed in the language of the day. Some sections of the Epistles are in a higher key, others in a lower; but all make pleasant reading.

THE GOSPELS

In reading the Gospels in the Knox version after his Epistles, we are, it seems to me, in a different world. Perhaps we should be. But let us see. This is the rendering of *Luke* 18: 814: "There were some who had confidence in themselves, thinking they had won acceptance with God, and despised the rest of the world; to them he addressed this other parable: Two men went up into the temple to pray; one was a Pharisee, the other a publican. The Pharisee stood upright, and made this prayer in his heart, I thank thee, God, that I am not like the rest of men, who steal and cheat and commit adultery, or like this publican here; for myself, I fast twice a week, I give tithes of all I possess. And the publican stood afar off; he would not even lift up his eyes towards heaven; he only struck his breast, and said, God, be merciful to me; I am a sinner. I tell you, this man went back home higher in God's favor than the other; everyone who exalts himself will be humbled, and the man who humbles himself will be exalted."

It has been truly said that a translation of the Bible, to become a universal favorite, must prove attractive to the man-in-the-street. Let us see whether we can trace this mysterious man in the Gospels themselves, and discover what he looks like. The stern Baptist, a mighty figure in the religious history of the Jews, launches a widespread spiritual movement. Then comes the long-expected Christ, and there is an upheaval in the country such as has never been there before. The Apostles are fishermen accustomed to the hard realities of life. The learned scribes and the spiteful Pharisees engage in bitter fighting with the Nazarene. The Sanhedrin is roused to action against the usurper of their privileges. King Herod and his court are interested in the Preacher. The Procurator, Rome's representative, yields to the clamoring masses and condemns Jesus to death for high treason. The people, left to their own unspoiled instincts, "are enthusiastic about his teaching," "a new teaching," supported by deeds of power. Chorozain, Bethsaïda, Capharnaum, cities rolling in wealth and luxury, are taken to task for their worldliness. It seems, then, that the Gospels themselves picture the man-in-the-street as awake to his interests and alert in worldly affairs. And this same man-in-the-street was listening to St. Paul's exposition of the profoundest mysteries of revealed religion. All these people, the Jews among them at any rate, were acquainted with the high-class poetry and prophecies of the Old Testament.

And furthermore: who is the man-in-the-street that *lives in our own midst,* for whom the translation of the New Testament is intended? Is he less keen and alert in the common affairs of life than his prototype in the Gospels? He sees much; he hears much, he reads much; he is shrewd in business; he is decided in making up his own mind, and not afraid to express opinions. He is absorbed in national as well as domestic affairs. I am afraid, therefore, the man-in-the-street who is often set up as a judge of what a good translation of the Bible should be, is either a mythical personage, or else the ordinary intelligent man we know so well.

We know him so well, because our ordinary Sunday congregation is this man-in-the-street *par excellence,* eager to hear the Gospel of the day. His interest in it will rise or fall according as it is presented with greater or less accuracy, clarity, modernity of expression.

Now, then, to return to the Lucan narrative, it is my impression that the speaker need have no misgivings about holding the attention of his audience (the man-in-the-street!) if he tells them that on a certain occasion "Jesus addressed this other illustration from life (parable!) to some individuals (τινάς) of that class of persons who, in sheer self-confidence (πεποιθότας), piqued themselves on being observers of the Law (δίκαιοι) and, at the same time, despised everybody else: Once upon a time two men went up to the Temple to pray. One was a Pharisee, the other a tax-collector. The Pharisee conspicuously stood apart, and soliloquized this prayer[3] (πρὸς ἑαυτὸν προσηύχετο): 'I thank Thee, O God, that I am not like the rest of men—robbers—rogues—adulterers—or like that tax-collector over there. I fast twice a week; on every item of my income I pay a tax of ten per cent (ἀποδεκατῶ).' The tax-collector, on the contrary, would not so much as turn up his eyes at Heaven. No; he merely struck his breast, and said: 'O God, have mercy on me, the sinner (τῷ ἀμαρτωλῷ).' I assure you, this man, compared with the other, went down to his home once for all absolved from sin (δεδικαιωμένος); for, everyone who exalts himself must be humbled, and he who humbles himself must be exalted."

A rendering such as this seems to me vivid, colorful, manly, and abounding in modern touches. It certainly has character in it. It is one thing to descend to the level of children, for the Gospel must also be preached to the little ones in Christ; it is another to proclaim the Gospel to the man-in-the-street, keen, wide-awake, shrewd, devoid, it may be, of book-knowledge, but certainly not devoid of that common education which modern life imparts to those who grapple with its problems.

It is also necessary to add that there is no trait in this version but is warranted by the Greek original, and, consequently, by the Latin

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[3] It was not one of the liturgical prayers offered by the assembled worshippers, but one made up on the spur of the moment. "He improvised this prayer."

Vulgate. To take but one example: what a world of difference there is between the string of vigorous nouns, "robbers, rogues, adulterers (ἅρπαγες, ἄδικοι, μοιχοί: *raptores, iniusti, adulteri*)" and those tame descriptive phrases, "men who steal and cheat and commit adultery."[4] And note, besides, that icy syndeton in the Pharisee's catalogue of sinners, as against the lumbering polysyndeton in Msgr. Knox's version. Features of style, the psychology of which has been set forth with much detail by such ancient rhetoricians as Aristotle (*Rhet.* III, vi) and Quintilian (IX, iii), cannot be neglected by a modern translator.

To sum up: it seems to me, therefore, that in writing his translation of the Gospels, Msgr. Knox misread both the Latin Vulgate and the Greek originals.

AN OBJECTION ANSWERED

In favor of Msgr. Knox's style in the Gospels, it may, perhaps be urged that it captures the *spirit,* and mirrors the *language,* of the original. As to the spirit, his Gospel narratives are simple and attractive. They read like lessons from the catechism or the Bible. But there is no indication anywhere in the Gospels themselves that they were addressed to untutored folk. They were written for the instruction of the same audience as the Epistles of St. Paul, were they not? And did not St. Luke, in particular, compose his Gospel and the *Acts* for His Excellency Theophilus? Did he not, in a classical introduction, say that he intended "to present the drama of events that have come to a climax among us, in accordance with the tradition which the original eye-witnesses and ministers of the Gospel have handed down to us"? Did he not decide "accurately to trace the whole movement to its origin and then write a consecutive account"? Was it not his aim that His Excellency "should appreciate the certainty on which the oral instruction" he had already received "is grounded"?

And as for the language of the Greek Gospels, we should not make their unadorned and artless prose an excuse for saying that they were intended for simple folk. The Evangelists did not command the resources of a Plato or Xenophon or Thucydides; their Greek, both in vocabulary and style, is that of the non-literary Koiné in use all over the world at their time. Yet, in spite of these handicaps, they made the best use possible of such ability as they possessed. Their artlessness is deceptive; for, back of it, there was the *intention* to make the new religion known to the world. They *wanted* to say big things and recount events big with consequences, even though their manner of saying them was not the grand style of the great writers of Greece or Rome. So, if ever so little of the grand manner slips into our translation, we are more faithful to the spirit of the original than those who, from a mistaken notion of their style, deliberately descend to the level of simple folk. In language, the New Testament is, as truly as the *Diatribes* of Epictetus, or Philostratus' *Life of Apollonius of Tyana,* a late, but lineal, descendant of the old Greek literature.

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[4] Similar feeble paraphrases are "It is my Father *who tends it,*" for "My Father is the Vine-dresser"; "*He who befriends you*" for "The Advocate"; "*He loves to drink*" for "That drinker." Contrast these renderings with the author's own robust phraseology in *Rom.* 12:2: "There must be an inward change, a remaking of your minds."

In short: with all the praise one may bestow on the Knox version of the Gospels, it seems to me that it is not final. There is room for another rendering that will represent men's talk addressed to men, and, mind you, men of the twentieth century.

DETAILS OF VOCABULARY

A general impression of any translation is worthless unless it is based on the translator's manner of dealing with the details of interpretation. The following points in the *New Testament* seem to me to be characteristic of Msgr. Knox's manner.[5]

The Latin *ecce,* like the Greek **ἰδού**, is the Stop-Look-Listen signal of the Gospels, in which it occurs 138 times. Judging by the 62 instances in *Matthew,* the author was on the whole successful in finding something more modern and appropriate than the old "behold," as "suddenly; all at once; thereupon; as soon as; and with that," etc.

The word **παράκλητος** is rendered four times "he who is to befriend you," and once "the Advocate." Also, "the Holy Ghost" alternates with "the Holy Spirit."

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[5] For a full discussion of several of the idioms mentioned below, see my *The Gospel of St. Mark* (Bruce: Milwaukee, 1937), pp. 154-67. For ἰδού, see, in particular, *AER* CXI, 5 (Nov., 1944), pp. 338-40.

The idiom of **ἤρξατο** with the present infinitive has been sadly missed.[6] The two most common renderings are "he began to do" and "he fell to doing." The latter is the more expressive, though, in some contexts, an oddity may arise from its use, as in *Mark* 14:65: "Then some of them *fell to spitting* upon Him." Two other variations, as "They entered upon a dispute" and "He took occasion to say," show the author's acquaintance with the idiom, as does especially *Acts* 1:1: "All that Jesus *set out* to do and teach," which comes as a great relief to all who love to see the Bible modernized. In the latter passage, by the way, the old "he *began* to do and teach" has always been a *crux interpretum.* The "he *began*" misled them.

Msgr. Knox's treatment of **ἀποκριθῆναι**, or the Latin *respondere,* is unsatisfactory. The rendering "answer" is intelligible after a question has been asked. The word occurs 56 times in *Matthew,* 44 in *Mark,* 49 in *Luke,* 77 in *John,* 21 in *Acts,* once in *Colossians,* and once in the *Apocalypse.* The reader who knows the ways of biblical (and classical) **ἀποκριθῆναι** will at once see how many opportunities were missed for speaking with "clarity," one of the author's avowed aims in the *New Testament.*

All lovers of a modernized Bible will thank Msgr. Knox for removing the noun "scandal" and the verb "scandalize" from the New Testament. In only one out of the 45 passages has the noun "scandal" been retained; *Rom.* 14:21: "a cause for scandal or scruple."

The word "eunuch," which is unintelligible to the average reader, has unfortunately been retained in *Matt.* 19:12. On the other hand, the old "work" and "works" have disappeared to the great joy of every modern reader.[7] The author alternates "work" with "doings, acts, actions, deed, *way,* task, service, *example.*" *John* 8:39, for instance, reads: "If you are Abraham's true children, it is for you to follow his example." This is splendid. Note, incidentally, the happy rendering "it is for you to do," for the Latin imperative.

It is a pleasure to see that Msgr. Knox did away with that old Semitism, "Amen, amen, I say to you." Whether all his substitutes answer the purpose of modernization, the reader must decide for himself. At any rate, "believe me" will not do in speaking to an American audience.

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[6] This idiom is not confined to the NT; it runs through the whole of Greek literature, from Homer down.

[7] See "*Ergon* in the Gospels," *The Catholic Biblical Quarterly,* VI, 1 (Jan., 1944); "*Axios* in the Gospels," *ibid.,* VI, 3 (July, 1944).

Unfortunately, Msgr. Knox fails to find a more pleasant sense in ἐκπλήττεσθαι, or the Latin (*ad*)*mirari*. Renderings like "they were amazed, astonished, thrown into bewilderment," very rarely satisfy the context. As Liddell and Scott point out, the word expresses "any sudden, overpowering passion," such as "desire, *love*, admiration." In the old classics, ἐκπλαγῆναι often means "to fall in love at first sight."

It is a pity that Msgr. Knox uses "thou" and "thee" in ordinary parlance.

Many of the old *shall's* have, fortunately, been replaced by *will*. Often enough either *will* or *shall* will do. The Greek is noncommittal.

The ancient languages were comparatively poor in nouns and verbs, and the same word had to be used to cover a variety of meanings. The Latin *res*, for instance, *could mean* a score of different objects, though in a given context it *meant* only one of these. English, on the contrary, is one of the richest languages in the world, and modern literary taste inculcates embellishment of style by the use of a more specific term for the Greek or Latin vague expression. Many readers will, therefore, regret that Msgr. Knox has not sufficiently availed himself of the *thesaurus linguae Anglicae* to enliven his Gospel narratives. The Greek λέγει is always "he says" in the *New Testament*. Sameness means tameness. Repetition of expression in the New Testament is apropos when it enhances parallelism of thought, as, for instance, in *Matt.* 18:8-9, or when it is a characteristic feature of the author, as "light" or "life" in *John*.

I have noted a number of unhappy renderings. "The multitudes *found themselves* amazed at his teaching."—Was there no way of remodelling the bald Semitism in "The kingdom of heaven is like ten virgins"?—"The truth-giving Spirit, he whom I will send to you *from the Father's side*."—"In *reward* for this word of thine, *back home with thee*." This seems rude in addressing the woman whom our Lord *rewarded* for her deep humility. The rendering "away with thee" is frequent in the *New Testament* for the simple "go" or "go away."—Here is a relic of the old Douay: "When you see the abomination of desolation standing where it should not stand."—The words "The holy *thing* which is to be born of thee" are not a very tender reference to the divine Child.—"Simeon *was able* to take him into his arms."—The following is stiff: "You do not understand *what spirit it is you share,*" for, simply: "What possessed you to think of such a thing!"—The following is not very clear: "Your good wishes (a fine rendering, by the way, for the old "your peace") will come back to you *the way they went.*" The sense is: "You will not be the worse for having blessed them," or: "The blessing you offered them will be no loss to you."—This is odd: "*We brush off in your faces* the very dust from your city." The pictorial effect is bad.—The ghost of the Douay still asserts itself in "All those who *trespass* against us."—The exhortation, "Listen, you who have ears to hear with," will do at the beginning of a speech, not at the end. The sense is: "*Ponder* what you *have* just *heard.*" The present **ἀκούειν** often denotes the result, rather than the act, of hearing.—The present **εἰμί** in *John* 8:58 is *not* an allusion to *Exodus* 3:14, but an instance of the Present of Unity of Time, two statements being telescoped into one; hence the rendering, "Before Abraham ever came to be, *I am.*" is faulty.—The translation of *John* 9:3 is needlessly cryptic: "It was so that God's action might declare itself in him," the sense being: "God's ways were to be made known through him."[8]

Needless to say, the list of *happy* renderings would be a long one. The author *rethought* the thoughts of the ancient writers and gave them a modern dress.

STRUCTURE OF SENTENCES

I am sorry Msgr. Knox made no use of colometrization, in spite of the good example set by our own Revision of 1941. Also, the complete absence of quotation marks is irritating to the modern reader.

The author is not always successful in his mechanism of sentence structure. Some of the longer narratives of the Gospels as that of the Prodigal Son, read very well. Elsewhere, one comes across sentences that are clumsily built, as *Luke* 2:42-43, where too many disparate facts are crowded into one grammatical unit:

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[8] For *ergon,* see footnote 7, and compare Knox's own splendid rendering of *Rom.* 13:12: "Let us abandon the *ways* of darkness."

"And when he was twelve years old, after going up to Jerusalem, as the custom was at the time of the feast, and completing the days of its observance, they set about their return home."[9] The following from Matthew is too choppy: "I say to you, then, do not fret over your life, how to support it with food and drink, over your body, how to keep it clothed." The prolepsis of the two nouns ("life" and "body") is an ingrained feature of Greek diction, and not an imitation of the leisurely parable style.

In the second stichos of *John* 1:1, Msgr. Knox very laudably wished to give the prepositions *πρός* and *apud* a fuller sense than is conveyed by *with*. But in doing so, he most unhappily destroyed the distinctively Johannine parallelism by making "God" the subject, and "the Word" the object, of the clause: "At the beginning of time the Word already was; *and God had the Word abiding with Him,* and the Word was God." This is what the reader had a right to expect:

> At the beginning of time *the Word* already was;
> and *the Word* abode with God,
> and *the Word* was God.

Incidentally, the words "already was" are not a happy ending of the first clause.

CONCLUSION

To do justice to Msgr. Knox, it would be necessary to look at his *New Testament* much more closely than is possible in a paper that, after all, records nothing more than personal impressions. I am convinced, however, that no matter what details of style a more leisurely study of this work would reveal as perhaps less acceptable, the general verdict must be most favorable. The *New Testament* testifies to the author's scholarship and to his instinct for the *mot juste* in a Catholic translation. But what I consider its chief merit is that—in principle, at least, if not altogether in fact—it moves away from the Douay. There are those, I know, who will find in this centrifugal tendency its chief defect. Their affections are anchored in the Douay. I do not blame them. I merely plead for a "new wine," without quarrelling with the admirers of "the old."

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[9] See a discussion of this passage in "Monsignor R. A. Knox's New Rendering of the New Testament." *The Catholic Biblical Quarterly,* V, 311 ff.

Has the *New Testament* a chance to live? It most certainly has, in England[10] and in America, no scholar can disregard this pioneer work without a distinct loss to himself.

JAMES A. KLEIST, S.J.

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St. Louis, Mo.

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[10] Msgr. Knox undertook his translation "at the request of Their Lordships, the Archbishops and Bishops of England and Wales."

FIFTY YEARS AGO

In the April, 1895, issue of *The American Ecclesiastical Review,* Abbé Hogan, S.S., contributes the leading article on the need of the study of Canon Law by the priest. He complains that for a long time this study had been neglected in the United States. (This article later became a chapter in the author's book *Clerical Studies*). . . . Fr. G. Péries, of the Catholic University, follows up with an article on "Canon Law in the United States," a good portion of which is devoted to a refutation of the charge that the bishops of this country do not favor the study of Canon Law by their priests because it may be used as a weapon against them. On the contrary, he says, "the members of the hierarchy have already begun to realize strongly the necessity of surrounding themselves with priests well instructed in canonical science; in order that they may avoid all sorts of illegal procedure, and not expose themselves to the danger of finding their decision reversed by the higher court of the Apostolic Delegation." . . . An article on social science as an aid to the priestly ministry is contributed by the Rev. Francis W. Howard. (The author later became bishop of Covington and for many years was a prominent figure in Catholic education. He died last year.) . . . Cardinal Krementz, Archbishop of Cologne, writes on the duties of priests who serve as confessors of nuns. He admonishes confessors not to allow their penitents to receive Holy Communion more frequently than the other sisters, when their manifestation of virtue does not warrant it. (What a difference in Catholic life has been effected by the decree of Pope Pius X on daily communion!) . . . Fr. Augustine Hewit, C.S.P., writes on the Encyclical *Providentissimus Deus,* the magnificent disquisition of Pope Leo XIII on biblical studies. Fr. Hewit is particularly interested in the relation between the Bible and science.

F. J. C.

CATHOLIC SACRAMENTAL LIFE

"To restore all things in Christ" is the divine purpose that motivates and guides the course of the Catholic Church through history. Divinely illumined and guided, the Church knows that this restoration is not imposed from without but flows from within. It is the individual sanctified through his union with the Church of Jesus Christ who makes possible the restoration of all things. It is the production and development of Catholic life that make possible the regeneration of society. Thus, whatever be its concern with economic and social forces, or with the chaos and destruction wrought by war, ultimately the Church must master them through the body of living men and women who form its society. Accordingly, in our time, when Catholic thinkers and writers seek to define the future and its needs, they are at one in holding that fundamental to the whole process of restoration is the development of a sound and true Catholic life in the individual Catholic.

Even the most casual Catholic observer, however, is aware that the task of developing a full Catholic life is one of immense proportions. The conscientious pastor, the priest engaged in census-taking, the missioner striving to enkindle Catholic consciousness and consciences, are all in agreement that there is leakage, indifference, tepidity, and an appalling lack of appreciation and knowledge on the part of Catholics. Any priest dealing with such things as marriage cases and problems is clearly aware that many of those who come to him simply do not believe what he does about the Sacrament of Matrimony, moral law, sin, and the authority of the Church. This is no slight upon the large numbers of faithful Catholics, daily communicants, leading saintly lives. These are certainly present and are an unfailing source of consolation. Yet a priest at all attuned to people knows that the other facts are present and may not be blinked away or dismissed as negligible and transitory phenomena.

In contradistinction to this sober picture is the growing body of evidence that many Catholics are articulately aware of their needs and of the exigencies of our day. These are seeking for a fuller and deeper penetration into Catholicism. Personal and daily contact with secularism, life in a pagan and irreligious milieu, have made manifest to them that only a mature knowledge of Catholicism and a mature Catholic life will enable them to live as Catholics in the world. That this is no vague stirring is evidenced by the spread of the retreat movement, study clubs, Catholic Action (however defined), the liturgical movement, and so on. The study of history, however, plus a natural conservatism have tended to make the priest cautious enough to realize that these things can easily become ends in themselves, and that overly enthusiastic leaders can easily produce a "lunatic fringe" within the Church. Such groups can become not only troublesome and annoying but also sources of grave disorder and divisions. In dealing with these movements, then, there is constant need of keeping clearly in view the ultimate aim of such activity—the sanctification of the individual life through union with the Church. Without such orientation they easily lead to the age-old error of a twofold Church—"the spiritual Church" and "the carnal Church." That such a situation is possible in the Church is eloquently testified to if we call the roll of Gnostic, Montanist, Donatist, Cathari, Waldensian, Albigensian, Lollard, Calvinist, and Jansenist.

Thus two problems must be faced if restoration is to take place. The problem of the zealous and enthusiastic Catholic afire with interest in Catholicism but in need of direction, and the problem of the tepid and indifferent Catholic. The former is a potential problem actualized thus far only in isolated instances; the latter is a concrete and actual problem. Yet analyzed in the light of Catholicism's over-all and ultimate aim the approach to the two seems to be much the same. For judging by the history of Catholicism (at least in the West) the basic factor is a failure to understand what Catholic life is. To the indifferentist, to the one who is drifting away from Catholicism, it means that he is letting go of what he has never known. On the other hand, if the eager and enthusiastic Catholic seeking to achieve a fuller Catholic life goes astray it is because he has lost sight of what the nature of Catholic life is. In each case it may be reduced to a question of clear ideas about the very nature of Catholic life and its relation to the concrete, historical society which Christ founded.

What, then, is the nature of this Catholic life that it is so fundamental? First of all, it is not a generality which covers the life that Catholics lead, a life composed of economic, social, parochial, and religious activities. Catholic life looks to these but they are not its essence. Again, it is not to be confused, as the indifferent Catholic thinks, with restrictions, laws, prohibitions, precepts, fast, abstinence, etc., all of which look to its protection and right ordering. Nor is it to be equated with zeal for economic and social doctrine, rigid perfectionism, liturgical enthusiasm and the like. Finally, it does not consist in the production of what one writer has called "nunks," that is, men and women who are neither monks nor nuns, laymen nor laywomen, but an artificial combination of all of them. Insofar as there is good in all these things, each of them can contribute to a Catholic life. But none of them is capable of producing a Catholic life. None of them can take the place of a Catholic life though all of them have been used to define it. At the best they are means to an end. At their worst they have been made ends in themselves and have entailed grave difficulties. For Catholic life fully understood is something unique, something other. It is in the technical theological sense a supernatural reality.

Positively viewed, Catholic life is the vital sharing in a new order inaugurated by the death and resurrection of Christ. It is no remote or abstract ideal but a spiritual order incarnated in a historical person, Jesus Christ. The central reality of that order is that it is a *Life*. "I am come that you may have life and may have it more abundantly."[1] In fact, as even a slight acquaintance with the Pauline teaching reveals, Catholic life is the embodiment in the individual of the life of Christ, the putting on of Christ. Our partaking of this life is a re-birth, a regeneration, a re-creation, it makes of us new creatures. Insofar as it is Catholic, the inception, the activity, the goal of Catholic life is the result of its participation in the life of Christ. In Christ God is not only manifested to man but vitally participated. "He is the Divine Light which illumines men's minds but He is also the Divine Life which transforms human nature and makes it a partaker of Its own activity."[2] This life stems from and is a participation in the redemptive work of Christ. It is the *passio Christi* that makes possible the Catholic life. The Redemption is not an act once done and set only as an example for our guidance—though it is that; for the Catholic the Redemption is something that he participates in here and now. It is an historical act into which he personally and actually enters here and now by the sacraments.

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[1] *John* 10:10; cf. *John* 5:24, 40; 6:40; 10:28; 20:31.

[2] C. Dawson, "Christianity and the New Age" in *Essays in Order* (New York: Sheed and Ward, 1940), p. 222.

> Do you not know that all we who have been baptized into Christ have been baptized into his death? For we were buried with him by means of baptism into death that just as Christ has arisen from the dead through the glory of the Father, so also we may walk in newness of life. . . . But if we have died with Christ we believe that we shall also live together with Christ; . . . For the death that he died he died to sin once for all, but the life that he lives, he lives unto God. Thus do you consider yourselves also dead to sin, but alive to God in Christ Jesus.[3]

Yet when we so describe Catholic life its full meaning is still not exhausted. The term connotes not only an individual but a social element. For in Catholic Christianity this new life, this participation in the spiritual order which is the life of Christ, takes place in a society, a community. It is not only the production of that spiritual will that moves the individual to love God, it is the City of God which is the direct result of the restorative work of Christ. The full life of Christ is not found in this or that individual but in a community vitally united to Him. The full force of this point appears when we are aware that this community in which the life of Christ is continued is no vague abstraction, no merely moral ideal, not simply a set of ideas, but a concrete historical reality. It is set in history, incorporated into history, an integral part of history. It is real and tangible just as the men and women who form it are real and tangible. It is as transcendent and immaculate as Christ who is its head.

To sum up. The life and spirit of Christ are realized fully only in a community. This community is not the product of the faithful but a unity of Christians with Christ through the power of God. It is this unity alone which incarnates and manifests the life of Christ. Hence when we speak of Catholic life we speak of a life that is produced through a community, that functions only in a community, the Church of Christ. Without this we fail to perceive the essence of Catholic Christianity—the vital union of men with God through Christ. In the words of St. Paul:

> Let no one cheat you who takes pleasure in self-abasement and worship of angels, and enters vainly into what he has not seen, puffed up by his mere human mind. Such a one is not united to the head,

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[3] *Rom.* 6: 3-11.

from whom the whole body, supplied and built up by joints and ligaments, attains a growth that is of God.[4]

Being, therefore, the vital continuation in space and time of the life of Christ, the Church manifests and embodies in the fullest way all the elements of that life. Put it this way: the visible, historical community of Christ gives expression to and visibly manifests the life of Christ in what it is and in what it does. Thus, its papal primacy, its hierarchical structure, its priestly activity, its liturgical life, its legislative direction, its teaching, its missionary zeal are not accretions or accidents but, by the will of Christ, the manifestation and continuation of His life and work. All these things not only embody the life of Christ but form the divinely established means whereby its power is brought to man to save and restore him. Thus do we have a picture of the Catholic life in its essential reality.

At first glance, this approach to the problems indicated above seems to be remote from the actualities of the situation. But a little further thought will show that it is neither remote nor abstract but quite immediate and concrete. For Catholic life is essentially bound up with the very core of priestly activity, the sacraments. After all, the whole point of apostolic and priestly activity is to bring about that sanctification of men for God which we call the Catholic life. And it is the sacraments that accomplish this sanctification. In the Christian economy it is the sacraments that bring men into immediate connection with the Passion and grace of Christ—the fundamental realities of the Catholic life. Further, it is the sacramental system that produces, develops and establishes the position of the individual in the Catholic community. Preaching, teaching, zealous service, and good example play their part, but the life itself and its immediate connection with the work of restoration and salvation results from the sacraments.

It is in view of this that an exposition of Catholic sacramental life would seem of value. Certainly it is capable of doing much to give proper direction to the ordering and planning of priestly activity. At the same time it can give a vital orientation to preaching and instruction. Then, too, it will give a richer and deeper understanding of those points where the Catholic is most intimately connected with

[4] *Col.* 2: 18-19.

Christ's redemptive work. Lastly, it may serve to clarify that portion of Catholic doctrine over which so many of the Western heretics have stumbled or gone astray.

The first step in so organizing the dogmatic and theological aspects of Catholic sacramental life is to set the sacramental system in the framework of the Christian economy of salvation. Here is partially a question of looking at the essential nature of Catholic life from a slightly different viewpoint. As described and preached by the Apostles it is a new life, a new vital principle capable of transmuting the whole of life and making of the individual a new creature. If we look to the concrete details of this claim, we find that it is achieved in the historical order, that is, in an historical person, and an historical society, the Catholic Church. The foundation of this order and this new life lies in two historical facts, the Incarnation and the Redemption. Christ the New Man unites the whole of humanity to God. Both in St. Paul and in the Fathers the burden of their message is that in Christ man has found a new origin, a new root, a fresh beginning, and an unshakeable foundation. For as man "he can take upon himself all the needs, responsibilities, and obligations of men. As God He can overcome and liquidate them with infinite completeness." He is the perfect mediator between God and man. And it is in His capacity as mediator that Christ performs His redemptive work. By this work not only is there atonement and expiation for both original and actual sin but there is made available the power of sanctification, the new life itself. Thus, the Incarnation and the Redemption form the basis of the Catholic life, while the Catholic life itself is a participation in this redeeming work. And it is against this background that the sacraments are set, since the sacraments make it possible for individuals to participate in this *passio Christi*. They bring to the individual the historical work of Christ done but once and now communicated through the sacramental system. In bringing the individual into vital contact with the redeeming work of Christ, the sacraments not only produce the Catholic life in the individual but form the society in which this Catholic life exists. This, then, is the framework for Catholic sacramental life—and is essential to any appreciation of it. And it is on this basis that the nature of Catholic sacramental life will be treated.

As a starting point for this presentation there should be noted the striking summation given by St. Thomas:

> The power of Christ's passion is joined up with us through faith and through the sacraments. This takes place in different ways, however. The union which is by faith is brought about by an act of the soul, while the union which is by the sacraments is brought about through the use of external things.[5]

Thus faith, to paraphrase Abbot Vonier, establishes a contact between the soul and Christ. To obtain a participation in the redemptive work of Christ, one must be united with that power through faith and the sacraments. Such is the condition laid down by Christ: "Go into the whole world and preach the gospel to every creature. He who *believes* and is *baptized* shall be saved, but he who does not believe shall be condemned." So that if we would be incorporated into Christ and enter upon the way of salvation, then faith is the beginning, "the foundation and root of all justification." By this faith the whole man consents to the gospel, that is to say, to the plan of salvation of which God is the author and Jesus Christ the proclaimer."[6] But this consent is not the whole act since Catholic life is not only a personal and inner thing but a social and public reality. Hence the act of the soul answering God's call is realized and completed as Christ has willed, in the public and visible sacramental act of baptism. It is in this sense that St. Thomas describes the sacraments as "certain signs which profess the faith by which a man is justified."[7] This interrelation of faith and baptism is summed up by Fr. Prat when he writes: "Union with Christ makes us Children of God and this union is effected by faith and baptism, but neither can the effective union of baptism be produced without the effective union of faith nor the effective union of faith be produced without some intrinsic relation with the effective union of baptism."[8]

It must be borne in mind that though the sacraments are professions of faith in the sense just described, their part in the production of Catholic life is not confined to signification alone. For while faith brings us into contact with Christ the Redeemer, and we thereby know His saving work, the sacraments look to a personal and actual participation in that historical reality. By faith we know of Christ's work and call to us, by the sacraments we possess that work, certainly and objectively. In the one case, through God's power there is an intellectual apprehension, in the other there is a personal and physical entrance into the historical reality of the *passio Christi.* The Incarnation and Redemption are historical facts marking the entrance into human history of the power of God unto salvation. The sacraments are the divinely instituted means whereby we as individuals enter into that historical act of redemption.

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[5] *Sum. Theol.,* III, q. 62, a. 6.

[6] F. Prat, *Theology of St. Paul,* II, 260.

[7] *Sum. Theol.,* III, q. 61, a. 4.

[8] F. Prat, *op. cit.,* II, 260 ff.

Up to this point we have seen the preliminary steps leading to a full understanding of the sacraments. Necessarily this survey has confined itself to a general treatment, since here it was intended only to introduce the subject, show its value, and indicate the line of development. Subsequent articles will take up and apply these general ideas to the nature and effects of the sacraments, as well as treat the particular sacraments themselves.

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DR. JOHNSON ON CONVERSION

Sir William Scott informs me that he heard Johnson say: "A man who is converted from Protestantism to Popery, may be sincere: he parts with nothing: he is only superadding to what he already had. But a convert from Popery to Protestantism, gives up so much of what he had held as sacred as anything that he retains: there is so much *laceration of mind* in such a conversion, that it can hardly be sincere and lasting." The truth of this reflection may be confirmed by many and eminent instances, some of which will occur to most of my readers.

—James Boswell, *The Life of Samuel Johnson, L.L.D.* (New York: The Modern Library, 1931), p. 366.

AN EIGHTH-CENTURY EXEGETE ON PURGATORY

In the October, 1944, number of *The American Ecclesiastical Review* Henry G. J. Beck published a scholarly and interesting note on "A Ninth-Century Canonist on Purgatory."[1] He treated convincingly the pithy and correct statement of doctrine on Purgatory as found in Hincmar of Rheims (*PL,* 125, 820D-821A), and commented upon the possibly earliest use of "Purgatory" as a noun.

The research of Fr. Beck can be pushed back farther, for the identical passage upon which he comments occurs in a work composed over a hundred years earlier than Hincmar, in the Homilies of St. Bede the Venerable, who lived from 673 to 735.[2] Bede's passage, in which only the form *"casti-gandi,"* the better reading, differs from Hincmar's *"casti-gati,"* follows:

> At vero nonnulli propter bona quidem opera ad electorum sortem praeordinati, sed propter mala aliqua, quibus polluti de corpore exierunt, post mortem severe castigandi excipiuntur flammis ignis purgatorii, et vel usque ad diem judicii longa hujus examinatione a vitiorum sorde mundantur; vel certe prius amicorum fidelium precibus, eleemosynis, jejuniis, fletibus, hostiae salutaris oblationibus absoluti poenis, et ipsi ad beatorum perveniunt requiem. . . .

Besides this one concise statement, truly typical of the way Bede can condense dogmatic teachings, Bede's works present other evidences of a fully-developed doctrine of Purgatory.

One text corrects a faulty notion which might arise from the above citation. Not only the charitable works of friends, but also its own fiery pains secure the release of the soul.[3] According to Bede, the purgatorial fire satisfies for the punishment due to sins confessed, and also remits some very slight sins unforgiven at the time of death. His teaching on this second point reproduces the rigorism of St. Gregory's ascetical views. For those who know better, he held, only the least, tiny sins, like constant idle chatter, immoderate laughter, or carelessness in the use of community goods;[4] for those who can plead ignorance, non-grave sins (which Bede does not specify) may be forgiven after death. Even the purgation of these is conditional upon the person's having performed good works during his life.[5]

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[1] Pp. 250-56.

[2] Cf. *Hom.* 1, 2, *PL,* 94, 30D. The authenticity of this homily has been established by Dom Morin, "Le recueil primitif des Homélies de Bède sur l'Evangile," *Revue Bénédictine,* IX (1892), 316-26.

[3] *Super parabolas Salomonis,* 2, *PL,* 91, 971CD.

Some doubt is cast upon the possibility that Bede (or Hincmar) knew "purgatorium" in the sense of the noun by the fact that he used, in addition to the phrase, "purgatorii ignis," also "purgatorio igne."[6]

Besides this doctrinal matter, Bede's works (perhaps serving here also as a model for Hincmar) disclose what was the eighth-century popular concept of the pains of Purgatory. Drythelm, in a Dantesque vision of the other world, is said to have reported as follows concerning this region:

> We came to a valley of great width and depth and of infinite length; one side, that on our left, was exceedingly terrible with glowing flames, the other appeared no less intolerable with raging hail and cold snow blowing through and sweeping everything away. Both were full of

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[4] A similar list of faults is given by St. Benedict. Cf. the Rule of St. Benedict, ch. 6, ed. Linderbauer (Bonn, 1928), p. 27, lines 14-15: "Scurrilitates vero vel verba otiosa et risum moventia aeterna clusura in omnibus locis damnamus . . ." See also *ibid.*, ch. 32, p. 46, lines 7-8: "Si quis autem sordide aut neglegenter res monasterii tractaverit, corripiatur." Bede elsewhere uses "familia" to refer to the monastery.

[5] *In Marci evangelium,* 1, *PL,* 92, 165B: " . . . datur intelligi, quasdam culpas in hoc saeculo, quasdam vero in futuro laxari. . . . Sed tamen hoc de minimis parvisque peccatis fieri posse credendum est, sicut est assiduus otiosus sermo, immoderatus risus, vel peccatum curae rei familiaris, quae vix sine culpa vel ab ipsis agitur qui culpam qualiter declinare debeant sciunt, aut in non gravibus culpis errore ignorantiae, quae cuncta etiam post mortem gravant, si adhuc in hac vita positis minime fuerint relaxata. Hoc tamen sciendum est quia illic saltem de minimis nil quisque purgationis obtinebit, nisi bonis hoc actibus in hac adhuc vita positus, ut illic obtineat promereatur." This passage is taken directly from St. Gregory, *Dialogues,* iv, 41, ed. Moricca, p. 296 (iv, 39, *PL,* 77, 396B). Gregory is pre-eminently the early authority on Purgatory, giving clear form to the vague ideas current earlier. *See* W. H. Dudden, *Gregory the Great* (London: Longmans Green, 1905), 426-30; A. Michel, "Purgatoire," *Dictionnaire de théologie catholique,* XIII, 1225. Cf. Bede, *In Lucae evangelium,* 1, *PL,* 92, 356BC, which reproduces Gregory, *Dialogues,* iv, 41 ed. Moricca, p. 297 (iv, 39, *PL,* 77, 396C).

[6] *De tabernaculo et vasis ejus,* 3, *PL,* 91, 489D: " . . . neque aliquid in talibus (sanctis) remanere, quod post absolutionem carnis *purgatorio* debent *igne* castigari."

the souls of men who seemed to be tossed, as it were by the force of a tempest, from one side to the other. For when they could not bear the force of the intense heat, they leaped wretchedly into the midst of the unquiet cold; and when they were unable to find any rest there, they leaped back again into the midst of the unextinguishable flames to be burned. And since far and wide, as far as I could see, without any interval of rest, an innumerable multitude of deformed spirits was tortured by this miserable alternation, I began to think that this was perhaps hell, concerning whose intolerable torments I had often heard. My guide who preceded me replied to my thought, saying, "This is not that hell which you think. . . . This valley is the place in which are tried and chastised the souls of those who put off confessing and correcting the crimes which they had done, and yet sought penance in the very hour of death, and thus departed from the body; these, because they obtained confession and penance before death will all come in the day of judgment to the kingdom of heaven. The prayers of the living, their acts of charity, fasts, and especially the celebration of Masses aid many so that they are freed even before the day of judgment.[7]

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[7] *Historia ecclesiastica,* 12, ed. Plummer, pp. 305, 308.

The deacon undergoing the ordeal of his jurisdiction examination hadn't been doing too well.

"Please recite the formula of absolution—should you by any chance happen to know it," the examiner said coldly.

The unhappy victim was sure that he did know it; but it just wouldn't come. And the professor, a most objectionable character, sat in ominous silence while the precious seconds ticked away. Finally, with a minute left, the student's face cleared.

"Ego te absolvo ab omnibus censuris et peccatis in nomine Patris et Filii et Spiritus Sancti. Amen." he pronounced rapidly, with a happy smile.

This was too much for the examiner.

"No! No! No! That is only the formula for an emergency!"

"Well," asked our hero in an injured tone, "isn't *this* an emergency?"

He passed the examination a few days later on his second try.

TWO VIEWS ON THE OBLIGATIONS OF A WIFE WHOSE HUSBAND IS ADDICTED TO CONDOMISTIC ONANISM

I

In July, 1942, there appeared in *The American Ecclesiastical Review* answers to several questions concerning the obligations of a confessor with regard to a penitent guilty of onanism.[1] In the course of the discussion preliminary to the solutions the author stated that fear of a most grave evil will justify the wife in adopting a course of non-resistance to a husband who intends to use a condom in the conjugal act. Fr. Connell, in concurrence with the views of Davis,[2] Cappello,[3] Gougnard[4] and Wouter,[5] maintains that the wife of a husband who insists upon condomistic intercourse may abstain from physical resistance and may remain passive, if positive resistance will cause her husband seriously to threaten her with death or "an evil that can be likened to death." Among the evils similar to death Fr. Connell ventures to place abandonment by the husband of his family with the consequent dire poverty of the family and the necessity of putting the children in a public institution. The author also mentions as a possible justifying reason for mere passivity the drunkenness of the husband with disgrace for the family and a scandalous disturbance of the domestic peace, all consequent upon the wife's refusal to permit condomistic intercourse.[6]

It is very difficult, if not impossible, to reconcile this conclusion with the decree issued by the Sacred Penitentiary on June 3, 1916. In this decree the Sacred Penitentiary implicitly and unmistakably declared that even the very gravest of reasons (*"rationes pergrav-*

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[1] Connell, F., "How Must the Confessor Deal with an Onanist?" *AER,* CVII, 1 (July, 1942), 55-64.

[2] *Pastoral and Moral Theology* (New York: Sheed and Ward, 1935), IV, 259.

[3] *Tractatus Canonico-Moralis de Sacramentis* (Turin: Marietti, 1923), n. 817.

[4] *Tractatus de Matrimonio,* 4th ed. (Mechlin: Dessain, 1937), pp. 298 f.

[5] *De Virtute Castitatis et de Vitiis Oppositis* (Turin and Rome: Marietti, 1928), n. 111.

[6] Connell, *op. cit.,* pp. 58 f.

issimae") are not sufficient to justify passive resistance. The same decision explicitly declared that positive resistance must be offered by the wife against such indecent advances of her husband.[7]

Justification for the opinion held by Fr. Connell, in concurrence with Davis, Cappello, Gougnard, and Wouters, is sought in the third decision rendered by the Sacred Penitentiary in the same decree. In response to the third question, which asked whether a man who used contraceptive devices should be likened to an assailant to whom the wife must oppose the same resistance as a virgin to one attacking her, the Sacred Penitentiary replied in the affirmative. Such attempts to seek justification for their opinion in this matter involve a deduction to the effect that a virgin may remain passive when resistance will expose her to danger of death or some similarly grave evil, and that consequently the wife, whose husband demands condomistic intercourse with threats of death or some similarly grave evil as an alternative to her refusal, may remain passive. However, since the first response in the decree of the Sacred Penitentiary declares explicitly that the wife must offer positive resistance, and the second response in the same decree declares implicitly that passive resistance cannot be justified even for the very gravest of reasons, it seems most logical to conclude that the third response, to the effect that the wife must conduct herself as a virgin should when she is attacked, must be interpreted to mean that fear alone of any evil, however great, is not sufficient to justify passive resistance either for the virgin or for the wife whose husband insists upon the use of instruments to prevent conception. To use that third response as ground for the opinion that the wife may offer merely passive resistance to her husband when he demands condomistic intercourse under threat of death or some similar evil is to maintain that the Sacred Penitentiary at the same time declared that passive resistance is sufficient and that it is not sufficient.

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[7] *Quaesita.* 1°. Utrum mulier, casu quo vir ad onanismum exercendum uti velit instrumento, ad *positivam* resistentiam teneatur?

2°. Si negative, utrum sufficiant ad resistentiam passivam ex parte mulieris cohonestandam rationes aeque graves ac pro onanismo naturali (sine instrumento), vel potius omnino necessariae sint rationes pergravissimae?

3°. Utrum, ut tutiori tramite tota haec materia evolvatur et edoceatur, vir talibus utens instrumentis, *oppressori* vere debeat aequiparari: cui proinde mulier eam resistentiam opponere debeat, quam *virgo invasori?*

Resp. Ad primum: *Affirmative.*
Ad secundum: *Provisum in primo.*
Ad tertium: *Affirmative.*

Cf. Marc, *Institutiones Morales,* 19th ed. (Paris: Vitte, 1934), II, n. 2117.

It may be objected that St. Alphonsus has declared that the milder opinion is probable. Here it must be noted that St. Alphonsus has not declared that a wife may be passive when her husband wishes to use instruments to impede conception as a result of the conjugal act. He has declared the speculative probability of the opinion which maintains that the virgin attacked under fear of death may remain passive provided that she does not give internal consent to the act. However, as is clear from his writing,[8] the reason why he attached speculative probability to that opinion is that some theologians had stated that the virgin is not forbidden to hold herself passive in such circumstances and that the reason alleged by the proponents of the stricter opinion, namely, that quiescence in such circumstances is equivalent to action, did not convince him, since a purely negative attitude cannot be called action or something positive. Moreover, the thing that must be remembered is that although St. Alphonsus attached speculative probability to the milder opinion, he nevertheless said that the stricter opinion must be by all means persuaded. Hence, if we suppose that the Sacred Penitentiary took St. Alphonsus's opinion into consideration in the matter of the third response, it certainly would take that opinion which he believed should be by all means persuaded.[9] Furthermore, it must be remembered that the Sacred Penitentiary in its decision and the moral theologians, who state that a virgin attacked may not be passive if lack of continued resistance will cause her to give direct internal consent to the illicit act, have in mind a *virgo oppressa,* that is, a girl who is subject to overwhelming physical violence. They do not speak of the case where a girl is merely under fear of death or some similarly grave evil, but they refer to a girl who is physically attacked and overwhelmed and whose continued physical resistance will put her in danger of death or some similarly grave evil. Hence, they do not declare that fear alone of a man who seeks illicit intercourse will justify the girl in making a choice of fornication rather than suffer danger of death or something similarly serious. Since they have in mind a *virgo oppressa,* that is, one who is under physical violence *and* subject to the additional danger of death or some similarly grave evil, they do not declare that a girl who is merely under threat of violence is justified in remaining passive. Rather they conclude that a girl under physical violence *and* under the additional threat of death or something similarly serious may in such a case remain passive, provided that all direct, internal consent is excluded. With this in mind it is clear that there is not even an apparent contradiction between the second and third decisions of the Sacred Penitentiary in its decree concerning the obligations of a wife whose husband seeks condomistic intercourse. In fact, since the theologians speak of the case of a virgin attacked and admit that when under physical violence and subject to threats of death if she continues to resist she may remain passive, it seems that a wife whose husband wishes to engage in an act which is not only intrinsically evil but is also unnatural *quoad modum* must also offer positive resistance. She may be passive only when she is overcome by insuperable physical violence, provided that her failure to offer continued resistance does not cause her to give internal consent to the unnatural act of the husband. At any rate, the most recent decision of the Sacred Penitentiary clearly states that the wife is obligated to offer positive resistance and that even the gravest of reasons will not suffice to justify a course of passive resistance. Hence, the proposition that fear of death or some similarly grave evil is sufficient to justify a course of non-resistance or passive resistance is directly contrary to the teaching of the Holy See, as is clear from the decision of the Sacred Penitentiary. To use that decision to justify the opinion is to maintain that the Sacred Penitentiary has in that same decision contradicted itself.

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[8] *Theologia Moralis* (Rome: Gaudé, 1905), lib. III, n. 368.

[9] St. Alphonsus speaks thus: "Secunda sententia, quam tenent Salmant. cum Lugo, Azor, Bonacina, Filiuccio, Valentia, etc., docet, hoc omnino illicitum esse. Quia cum femina possit copulam impedire si timore inducta quiescit, sua tunc cooperatio vere moralis et voluntaria fit; in femina enim, illa quies in copula reputatur ut actio.—Haec ratio tamen non convincit; quia illa quies feminae revera non potest dici actio, dum nullo modo est positiva.
Ideo prima sententia (speculative loquendo) sua probabilitate carere non videtur. Non tamen negandum, secundam sententiam in praxi omnino suadendam esse; saltem ob periculum consensus quod in illa permissione facile adesse potest." *Theologia Moralis,* lib. III, n. 368.

Since it seems incontrovertible that the Sacred Penitentiary has forbidden a wife whose husband demands condomistic intercourse to remain passive, the question naturally arises: To what extent must she offer positive resistance? To answer this question it will be necessary to investigate the moral character of the wife's failure to offer resistance. It can be said without hesitation that if she can repel the demands of her husband by words or by counter-threats, there will be no need of physical resistance. However, in the event that verbal protests are futile, it seems that she is obligated to offer physical resistance to the limit of her power. This conclusion is based upon a consideration of the moral character of her participation in condomistic intercourse. It is clear that all arguments which are advanced to justify the passive attitude of the wife in the face of such grave evils threatened by the husband are based upon the necessary hypothesis that her participation in the act of condomistic intercourse is not formal co-operation; for certainly no evil, however grave, can justify formal co-operation to the sinful action of another. However, there are evidences which clearly indicate that the participation of the wife, subject to fear alone, in condomistic intercourse must be considered as formal co-operation and not merely as material co-operation. Her participation and her failure to resist when she is not subjected to violence by the husband who demands condomistic intercourse is co-operation which is *formal ex fine operis*. One of the strongest of the several evidences for this view is to be found in a decision given by the Sacred Penitentiary on April 3, 1916, in reference to the obligation of a wife whose husband intends to commit with her the crime of sodomy and who threatens death or grave injuries if she will not submit. There it is stated that not even to avoid death may she licitly yield to her husband's desire for sodomitic intercourse.[10] From the wording of the question submitted to the Sacred Penitentiary it is clear that the petitioner was not requesting information about co-operation that is *formal ex fine operantis*. For the question proposed includes circumstances which clearly imply a case in which the wife does not desire to perform such an act but is faced with the alternative of death or grave injuries in the event that she refuses to yield to her husband's desire for sodomitic intercourse. On the other hand, it seems clear that the Sacred Penitentiary, so absolute in its statement that not even danger of death would permit the wife to submit to her husband, placed such obedience by the wife beyond the scope of merely material co-operation. It is the common teaching of moral theologians that merely material co-operation may be given, provided that there is a proportionately grave cause to excuse the co-operation and that the aid given is not intrinsically evil. Since there is no temporal reason more serious than death, and since even threats of death or grave injuries will not excuse the wife from sin if she yields to the sodomitic demands of her husband, it seems clear that the Sacred Penitentiary considered obedience to such commands to be co-operation which is truly *formal ex fine operis,* that is, co-operation by which the wife performs an action which of its very nature is ordained only to sin. That this kind of co-operation is truly formal is admitted generally by the theologians,[11] and doubtless is the reason why the Sacred Penitentiary expressed wonder that any priest should hold the opinion contrary to its decision.

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[10] *Dubium.* Utrum mulier actioni mariti, qui ut voluptati indulgeat, crimen Onan aut Sodomitarum committere vult, illique sub mortis poena aut gravium molestiarum minatur, nisi obtemperet, cooperari licite possit?
Resp. (a) "Si maritus in usu conjugii committere velit crimen Onan effundendo scilicet semen extra vas post inceptam copulam, idemque minetur uxori aut mortem aut graves molestias, nisi perversae ejus voluntati sese accommodet, uxor ex probatorum theologorum sententia licite potest hoc in casu sic cum marito suo coire; quippe cum ipsa ex parte sua det operam rei et actioni licitae, peccatum autem mariti permittat ex gravi causa quae

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eam excusat: quoniam caritas, quo illud impedire teneretur, cum tanto incommodo non obligat."

(b) "At si maritus committere cum ea velit Sodomitarum crimen, cum hic sodomiticus coitus sit contra naturam ex parte utriusque conjugis sic coeuntis, isque Doctorum omnium judicio graviter malus: *hinc nulla plane de causa, ne mortis quidem vitandae, licite potest uxor hac in re impudico suo marito morem gerere.* Miratur vehementer S. Poenitentiaria, quod opposita sententia cum humanae naturae dedecore, in quorumdam sacerdotum animis (ut refertur) insidere potuerit."

Cf. Marc, *Institutiones Morales,* II, n. 2116; *Nouvelle revue théologique,* XLVII (1920), pp. 627 f.; *Periodica,* VIII (1918), pp. 301 f.

[11] Cf. Damen, *Theologia Moralis,* 11th ed. of Aertnys and 3rd ed. of Damen post Codicem (Turin: Marietti, 1928), I, n. 398; Marc, *Institutiones Morales,* I, n. 517. Noldin is even more explicit concerning the nature of this kind of formal co-operation: " . . . Ex natura operis quod praestatur; cum nempe aliquis opus exercet, quod natura sua vel attentis circumstantiis ad pravam actionem directe ordinatur; tunc ipso facto retractatur intentio contraria et habetur implicite intentio pravae actionis." Cf. *Summa Theologiae Moralis* (De Praeceptis), 24th ed. (Innsbruck: Rauch, 1936), n. 117.

Possible objection may be raised concerning the meaning of the term *"morem gerere"* used in the reply of the Sacred Penitentiary concerning sodomy. According to its idiomatic usage the term means the same as *"obsequi"* or *"obedire,"* that is "to yield," "to comply with," or "to gratify." The lexicon does not indicate that it has the same meaning as the phrase *"cooperatio formalis ex fine operantis"* used by the theologians to signify that the one giving co-operation also consents by intention to the sin of the principal.[12] When one considers that the question of the petitioner mentioned circumstances such as threat of death or grave injuries and also that the Penitentiary must be presumed to have taken into consideration these circumstances when it answered the question, the burden of proof falls upon anyone who asserts that the term *"morem gerere"* signifies the equivalent of that co-operation which the theologians call *formal ex fine operantis.* It should also be noted that the Sacred Penitentiary in its reply did not use the term *"cooperari"* but used such terms as *"coeuntis"* and *"morem gerere"* which do not indicate anything that would signify formal co-operation. Finally, it is almost unthinkable that any priest would ask the Sacred Penitentiary if it is ever permissible to give formal and direct consent to the sin of another.

It cannot be maintained that the wife who submits to the demand of her husband for sodomitic intercourse is merely passive and, since she does nothing positive, is not guilty of sin. It is clearly stated in the decision of the Sacred Penitentiary concerning sodomitic intercourse that the obedience of the wife even as an alternative to death is *contra naturam:* " . . . cum hic sodomiticus coitus actus sit *contra naturam* ex parte utriusque conjugis coeuntis, . . . *hinc nulla plane de causa, ne mortis quidem vitandae, licite potest uxor hac in re impudico suo marito morem gerere."* Therefore, since the obedience of the wife even under threat of death or grave injuries seems without doubt to be co-operation which is *formal ex fine operis* in the case where her husband demands sodomitic intercourse, the same is true in the case where her husband demands condomistic intercourse, since both kinds of intercourse are sins *contra naturam,* on the part of the wife as well as on the part of the husband. Furthermore, it is the common teaching of the theologians that ordinarily fear alone does not destroy the *voluntarium;* it does not take away the power of free choice. An action performed through fear alone is a deliberate act which imputes responsibility to the agent, in this case to the wife who through fear furnishes aid to the sinful demands of her husband. For, according to the decisions of the Penitentiary, participation in the act, even the most passive participation, is *contra naturam;* it is something less than the positive resistance demanded and therefore a serious sin of omission. Hence, she is bound to offer positive resistance to her husband despite his threats of violence upon her refusal to acquiesce to his sinful demands in this matter. Should the husband use physical violence in order to force her to submit, she is bound to offer physical resistance to the full extent of her ability. In view of the decision of the Sacred Penitentiary that not even to avoid death may she remain passive, anything less than complete resistance according to her power would be at least partial acquiescence to the demands of her husband. Her failure to resist to the full extent of her power would be a *voluntarium indirectum,* the result not of absolute physical violence, but rather the result of moral violence which is equivalent to yielding freely to fear and therefore sinful insofar as she failed to resist according to her powers.[13] If she is overcome by insuperable physical violence, only then may she remain passive, provided that her lack of continued physical resistance is not necessary to prevent direct, internal consent to the illicit pleasure which may accompany the action. It would be demanding too much to require that she continue to resist fruitlessly, if such continued resistance would involve danger of death or serious injuries in addition to the inevitable violation of her natural right to proper conjugal intercourse. This opinion is supported by the teaching of several noted moral theologians who declare that only when the wife is overwhelmed by superior physical force may she remain passive, so long as continued physical resistance is not necessary for her to exclude direct, internal consent to that action which she cannot impede.[14] Other theologians who treat of this case in reference to the decision of June 3, 1916, state that the wife must offer positive and physical resistance and may yield only to physical violence. This should be interpreted to mean that she may yield only to insuperable violence. Otherwise, as is clear from the decisions of the Sacred Penitentiary, she is yielding to fear, and such compliance would be ordinarily a voluntary act and, therefore, sinful, since she chooses in preference to injuries or death participation in an action which is *contra naturam* and intrinsically evil on her part as well as on the part of her husband. No other interpretation would be consonant with the very clear and explicit decision of the Sacred Penitentiary concerning the obligation of a wife whose husband seeks sodomitic intercourse, a decision which must be applied to a wife whose husband seeks condomistic intercourse, because the two acts are essentially the same in malice and *contra naturam,* despite the fact that sodomy is more revolting, more degrading and more heinous. An unnamed writer in, and probably the editor of, the *Nouvelle revue théologique,* after quoting the decisions given by the Sacred Penitentiary on April 3 and June 3, 1916, says that the decision concerning the obligation of a wife whose husband seeks sodomitic intercourse and the decision concerning the obligation of a wife whose husband demands condomistic intercourse treat of actions which are *de se malo,* to which the wife would co-operate immediately if she co-operated in any way.[15]

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[12] Facciolati et Forcellini, *Totius Latinitatis Lexicon* (London: Baldwin, Craddock, Pickering, 1828) under the word *gero.*

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[13] Cf. Damen, *Theologia Moralis,* I, n. 18; Coronata, *Institutiones Iuris Canonici,* 2nd ed. (Turin: Marietti, 1939), I, 179.

[14] Merkelbach, *Summa Theologiae Moralis* (Paris: Desclée, 1933), III, 925; Noldin, *Summa Theologiae Moralis* (De Sexto), 1931 ed., n. 74; Prümmer, *Manuale Theologiae Moralis,* 3rd ed. (Freiburg im Breisgau: Herder, 1923), p. 498: Kearney, "Sinned Against Rather Than Sinning," *AER,* LXXXIV, 5 (May, 1931), 505.

Other evidence to support the conclusion that the wife who takes part in an act of condomistic intercourse is giving co-operation to an intrinsically evil act, and indeed is giving co-operation which is *formal ex fine operis,* is to be had from a consideration of the very nature of the act of condomistic intercourse. The very object of the action is evil because the instrument (presupposing that it is not defective) from the very beginning renders the act of marital intercourse incapable of obtaining its normal and natural effect, the effect to which conjugal intercourse tends by its very nature. Such an action is quite different from the case in which the husband intends onanism in the so-called natural manner, that is by withdrawal and waste of the seed outside of its proper place. Monsignor Ryan has declared that he cannot see the difference in objective morality between the two acts, although he admits that he would not depart from the traditional teaching on this matter because of the practice of the Roman Curia in constantly adhering to it.[16] Monsignor Ryan thus defines the objective morality of an act: "The objective morality of an act (as distinguished from that contributed by its end and circumstances) is not determined by the action as a physical process nor by any of its physical parts or elements, but by the object (*objectum*) to which as a whole the act immediately tends. Onanistic intercourse is one act. Its morality as a whole and in all its essential parts is determined by the object to which it is immediately directed. That object is perverted, frustrated intercourse which is intrinsically evil. Therefore, the act is intrinsically bad from the beginning."[17] Monsignor Ryan's definition is undoubtedly correct. However, it seems that he errs when he says that the object of the act in the so-called natural onanism is perverted, frustrated intercourse which is intrinsically evil from the beginning. The object to which the act of copulation between husband and wife tends by its very nature is the generation of children, regardless of the intention of the husband and the wife. In natural onanism, however, the frustrated intercourse and the intrinsic evil eventuates when the copulation is interrupted in order to waste the human seed. Of course the intention on the part of the husband or the wife to perform the conjugal act in such a way that the seed is wasted is always and intrinsically evil. On the other hand, in the supposition that the wife does not wish to participate in an act of onanism, that, in fact, she desires that the marital act be performed properly, she does not co-operate in the withdrawal and the consequent waste of seed. At most she offers aid to an action which *ex objecto suo* tends to the procreation of children, the primary end of marriage. Her husband's bad intention does not make the act performed without a contraceptive instrument bad *ex*

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[15] "On voit facilement la différence entre les trois espèces que visent ces deux décisions. Dans l'onanisme simple, l'acte en soi commence d'une façon honnête, et la femme, en y coopérant, vaque à un acte en soi licite ; au contraire, dan les cas auxquels se rapporte la response *b* du premier décret et la réponse I du second, dès le dèbut l'acte est de soi déshonnête et la femme, en y coopérant, coopererait immédiatement à un acte *de se malo.*" *Nouvelle revue théologique,* XLVII (1920), 628.

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[16] "Two Disputed Questions," *AER*, LXXXIV, 5 (May, 1931), 621; "How Must the Confessor Deal with an Onanist?" *AER*, CVII, 1 (July, 1942), 284 ff.

[17] *Op. et loc. cit.*

objecto suo. It is bad and intrinsically bad *ex fine operantis,* on the part of the husband.

However, when the husband uses a contraceptive instrument, usually the condom, and with the presupposition that the instrument is not defective, the copulation which should by its very nature tend to the reproduction of children is immediately frustrated and the action of condomistic intercourse which tends to the wasting of the human seed is *ex objecto suo* intrinsically evil from the start. So long as the contraceptive instrument is used, conjugal intercourse which by its very nature should tend to the procreation of children cannot attain its natural object. Hence, should the wife co-operate merely under threat of death or some similarly grave evil, she co-operates in a work intrinsically evil from the beginning. Her co-operation is *formal ex fine operis,* because the choice of the intrinsic evil remains a free choice so long as fear has not destroyed her use of reason. The fact that fear makes her action less free than it would be normally will mitigate somewhat her culpability, but so long as the fear has not taken away her freedom of choice, fear alone of any evil whatsoever will not excuse her from a serious sin of omission in her failure to prevent an action which is on her part intrinsically evil and *contra naturam,* as is clear from the parallel decision of the Sacred Penitentiary concerning a wife whose husband demands sodomitic intercourse, even under threat of death if she refuses his demand.

It will be well to summarize the conclusions arrived at in this article.

I. A wife whose husband demands condomistic intercourse may not remain passive, even if her husband threatens her with the very gravest of evils. This is the clear statement of the Sacred Penitentiary in its decision of June 3, 1916. To use the third part of that decision as a basis for the proposition that a wife may remain passive if her husband threatens death in the event of her refusal is to declare that in one and the same decision the Sacred Penitentiary has openly contradicted itself.

II. The wife whose husband demands condomistic intercourse must resist him positively. This means that she must offer whatever resistance is sufficient to dissuade him from his sinful demands. Therefore, if her verbal protests or counter-threats are sufficient, she need not offer physical resistance. However, if verbal protests are insufficient, she is obligated to offer physical resistance to the full extent of her powers until it is clear that he is using physical violence which she cannot overcome. Only in that latter event may she remain passive, unless continued physical resistance is necessary to prevent her from giving direct, internal consent to the sinful action. This conclusion is based upon the decision of the Sacred Penitentiary concerning the obligation of a wife whose husband demands sodomitic intercourse. The Sacred Penitentiary has declared that such an act, even under threat of death, is *contra naturam* on the part of the wife as well as on the part of the husband, and that the wife may not yield to her husband's demands, even if such obedience would enable her to avoid death. Although sodomy is more revolting, more degrading to human nature and more heinous, it cannot be denied that, essentially, the two acts are the same in malice. Both acts are *contra naturam* on the part of the wife, and the conclusion of the Sacred Penitentiary concerning sodomy and the wife's obligation to resist applies to the wife whose husband demands condomistic intercourse under threat of death for failure to obey. This conclusion is strengthened by a consideration of the nature of the act, by a study of the nature of that kind of formal co-operation which is *formal ex fine operis* and by the application of the universally admitted principle that fear alone, so long as it does not destroy the use of reason, permits a free choice by the wife whose husband demands condomistic intercourse. Finally, this opinion has been maintained by many well-known theologians after they had considered the decision of the Sacred Penitentiary of June 3, 1916.

The opinion which maintains that mere fear of death or some similarly grave evil will justify a course of passivity or non-resistance seems to be devoid of any solid intrinsic probability. If that opinion becomes prevalent, then the old distinctions between the natural and the unnatural can no longer be logically maintained by such pleaders. Mere fear of death or of a very grave evil would in such an event justify co-operation to abortion, and even sodomy (against the explicit prohibition of the Sacred Penitentiary), and even a long continued practice of such sins, since the causes alleged, namely fear of death or of some similarly grave evil, would or could be alleged for indefinite periods.

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II.

According to Fr. Comyns, a wife petitioned for condomistic relations by her husband is obliged to offer physical resistance "to the limit of her power," if such resistance is necessary to prevent the act. However, he adds, if she is "overcome by insuperable physical violence" she may remain passive "so long as continued physical resistance is not necessary for her to exclude direct, internal consent to that action which she cannot impede." In this view, if a wife is free to choose *either* death or the unresisting acceptance of her husband's unnatural relations, she must choose death, for in such a case she is not subject to *insuperable* physical violence, since she can prevent the violation of her conjugal rights by freely accepting death. It is only when the choice is between forced condomistic relations *and* death (or serious injuries) on the one hand, and condomistic relations which she is incapable of avoiding on the other, that she may desist from continued physical resistance. "It would be demanding too much to require that she continue to resist fruitlessly, if such continued resistance would involve danger of death or serious injuries in addition to the inevitable violation of her natural right to proper conjugal intercourse."

Fr. Comyns disagrees with my opinion that a wife may submit without physical resistance to condomistic relations, not only when she is under insuperable physical duress, but also on certain other occasions, when she has good reason to fear that refusal to submit unresistingly would bring about some very grave evil. By *grave evil* I do not mean necessarily serious *physical* harm, such as death or a brutal beating. I include also under this term such moral evils as would cause her great suffering—for example, the abandonment of the family by the husband with the consequent necessity of sending the children to an institution, and (perhaps) the disgrace and scandalous disturbance of the household that would ensue if the husband would become a drunkard as a result of his wife's habitual refusal.[1]

Since the theologians whom I cited in support of my general proposition—that fear of a most grave evil will justify a wife in submitting unresistingly[2]—do not seem anxious to explain in detail precisely what constitutes a *most grave evil,* I proposed several consequences which might come under this heading. However, I insisted on a condition which must be kept in mind throughout this article—that if there is proximate danger that the wife will deliberately consent to the venereal pleasure aroused in her by her husband's evil act, she must resist physically to the limit of her powers, no matter what evil consequences may ensue.

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[1] *The American Ecclesiastical Review,* CVII, 1 (July, 1942), 55 ff.

[2] When I speak of unresisting or passive submission, I refer to absence of *physical* resistance. I do not mean that wife may abstain from verbal protest.

Before considering in detail the arguments used by Fr. Comyns, I wish to point out what appears to be an inconsistency in his view. He says that a wife who, through fear of some grave harm, abstains from the full measure of physical resistance co-operates formally in an act that is intrinsically evil. "Even the most passive participation is *contra naturam.*" Yet, he adds, if she realizes that continued resistance is fruitless, and may entail serious harm to her besides the inevitable violation of her rights by her husband, she may remain passive—in other words, she may do something intrinsically evil. Now, certainly, if a procedure is intrinsically evil, it is not justified even when one foresees that it will be physically forced upon him. No matter what the consequences, a Christian may not offer incense to an idol, even when he foresees that his hands will be seized and he will be physically compelled to perform the ceremony. A youth who realizes that a degenerate who has captured him is going to force him physically to touch himself indecently may not voluntarily perform these sinful actions, even if he can thereby save his life. Now, if, as Fr. Comyns claims, passivity on the part of the wife is a sin *contra naturam* when she can avoid unnatural intercourse, it is also a sin *contra naturam* when she cannot avoid such relations. In neither case could she be justified in abstaining from physical resistance "to the limit of her power." Even though resistance is fruitless and will result in great harm to her, she must continue to resist, in the same way as the Christian and the boy mentioned above would have to continue to refuse compliance with the demands of their captors.

According to Fr. Comyns, the wife who submits passively performs an *action* which is intrinsically sinful. Now, those who uphold the view which I am defending insist that her participation in this manner is not an action—is not something positive. In the words of St. Alphonsus, considering a girl who, through fear of death, gives unresisting submission to an assailant: "That non-resistance (*quies*) of the woman cannot be called an action, since it is in no wise positive."[3] It is interesting to note that, after referring to the wife's passivity as "an *action* which of its very nature is ordained only to sin," Fr. Comyns calls it a "serious sin of *omission."*

The arguments employed by Fr. Comyns are three in number—two decisions of the Sacred Penitentiary and theological reason, as proposed by himself and some theological writers. In passing it should be noted that the decrees of the Penitentiary are private responses which have never been officially published.

1. The first response of the decree of the Sacred Penitentiary given June 3, 1916, states that a wife whose husband requests condomistic intercourse is bound to offer *positive* resistance. In accordance with the common teaching of theologians I hold that a wife in this situation must always express her disapproval, at least by words. Indeed, this holds even for the case when he wishes the natural mode of contraception, or onanism. Now, a verbal protest can be correctly designated as *positive* resistance, though it is not *physical* resistance. The decree in question certainly does not make positive resistance identical with physical resistance; otherwise even the woman who can persuade her husband to desist merely by words would still have to strike or kick him. In interpreting this response, Fr. Comyns evidently regards verbal protest as a form of positive resistance, for he says: "If she can repel the demands of her husband by words or by counter threats, there is no need of physical resistance." Hence the important question: "Is she obliged to offer physical resistance if verbal protests are futile?" Fr. Comyns answers in the affirmative, asserting that the wife's participation in condomistic relations—"even the most passive participation"—is a sin *contra naturam,* formal co-operation (*ex fine operis*) in her husband's unnatural act. To prove this he goes to his second argument, the other decree—which seems to deprive his argument from the first decree of independent value.

The second response of the decree of June 3 was a reply to a hypothetical question: "In the event that a negative answer has been given (to the first question), do reasons as grave as those which suffice for justifying passive resistance on the part of the woman in the case of natural onanism also suffice (in the case of condomistic relations) or are most grave reasons necessary?" The response to this question adds nothing to the first reply, for since an answer was called for only in the event that the first reply was negative—and actually it was affirmative—the Penitentiary did not consider the question, and merely replied: *Provisum in primo*. And so, we are in the same situation as we were after receiving the first reply. We know that the woman must offer positive resistance, at least verbally, but we do not know the type or the extent of this resistance if verbal protests are futile.

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[3] *Theologia Moralis* (Rome: Gaudé, 1905), lib. III, n. 368.

The third reply of this decision enlightens us on this question by laying down a general norm. The Sacred Penitentiary says that the wife solicited for condomistic intercourse is to be likened to a virgin who is being attacked by a man seeking to rape her; hence, the wife is bound to the manner and measure of the resistance demanded of the virgin in this plight.

Of course, the Penitentiary was referring to the case of the *virgo oppressa,* discussed quite thoroughly by Catholic moralists. What are the circumstances of this case, as generally visualized by theologians? Fr. Comyns tells us that the theologians (presumably he means *all* theologians, since he makes no distinction) have in mind a girl "subject to overwhelming physical violence." It is only when she is under "insuperable physical violence," he says, when she is going to be violated anyway, that she may abstain from continued physical resistance, since it will be futile to ward off the attack, and besides may occasion her death or severe injuries. "They [the theologians] do not speak of the case where a girl is merely under fear of death or some similarly grave evil." In other words, if any means are available of warding off the attack, even though it be the acceptance of death, she is not under insuperable physical violence, and hence must use this means rather than submit to violation. Fr. Comyns tells us that this is the case which the theologians (presumably all) have in mind when they discuss the case of the resistance required of the virgin being attacked; *yet he does not quote or cite a single theologian to prove or exemplify this vital point of his argument.*

Now, I have not read all the theologians who have discussed this celebrated case. But I have seen it presented by a considerable number of reliable theologians who picture it very differently from the way Fr. Comyns explains it. These theologians are evidently thinking of a girl who is not under *"insuperable* violence," a girl who is merely under fear of death or some similarly grave evil, a girl who *can* escape violation if she is willing to endure some grave evil (particularly death)—yet they assert that it is at least probable that she is not bound to endure this grave evil, but may permit herself to be violated instead. For example, St. Alphonsus proposes the case thus: "Is a virgin obliged to permit herself to be killed rather than be violated?"[4] If he were viewing the case as Fr. Comyns says the theologians visualize it he should have written: "Is a virgin obliged to permit herself to be *violated and killed* rather than merely violated?" On the contrary, St. Alphonsus unmistakably indicates that he is speaking of a girl who is not under insuperable physical violence since she can avoid violation if she is willing to endure death. For, he rejects the argument that such a girl sins by non-resistance *when she is able to prevent the intercourse.* Contrary to Fr. Comyn's assertion: "They [the theologians] do not speak of the case where a girl is merely under fear of death . . . but a girl who is physically attacked and overwhelmed . . . " St. Alphonsus speaks of a girl who "timore inducta quiescit," and says nothing about "insuperable violence."

Davis says: "A maid *may* allow death to ensue *rather* than suffer herself to be violated, but she is not bound to do so."[5] Evidently he is speaking of a girl who has a free choice between death and rape—not one who will inevitably be raped. Prümmer says that a woman in the predicament we are considering *may* choose to be killed (though she is not obliged to do so), one reason being that she will thereby *preserve the integrity of her body.* Evidently he does not limit his solution to the case of one who will inevitably be violated, one who is "under insuperable physical violence." In fact, Prümmer expressly states that he regards this case as pertaining to fear rather than to violence.[6] Merkelbach asks whether a girl is *allowed* to kill a man in order to avoid being raped, and prefers the negative view. In other words, according to this author, a girl is not even *permitted* to take a particular means of avoiding violation.[7] Iorio puts the question: "Is a virgin bound to permit herself to be killed *rather than* (*potius quam*) be violated?" Plainly, he is referring to a woman who has a choice of *either* violation or death, not one to whom violation is inevitable. Yet he says that the negative view is *certain* (provided there is no proximate danger of consent on her part to the pleasure), and adds that her permitting of the attack is not formal co-operation—a direct contradiction of Fr. Comyns's opinion.[8] Lacroix has this statement: "Taberna says that a girl does not sin if, because of evident danger of death or of great infamy, she does not use all the means to ward off an assailant—for example, if, when she could do so, she does not kill him or arouse the neighborhood (*inclamet viciniam*), but merely endures the coitus, provided all danger of consent is excluded. Although more than fifty authors hold this proposition in their published writings, among them St. Antonine, Sylvester, Sotus, Navarrus, Toletus, Lessius, Reginaldus, Gonet, etc., it is not expedient to proclaim it publicly, because it is liable to cause abuses, especially among the uneducated."[9] It is to be noted that this author says that a girl may endure rape even to avoid a moral evil (the shame which would accrue if she summoned help) though she is able to preserve herself from violation. She is certainly not "overcome by insuperable physical violence."

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[4] *Loc. cit.*

[5] *Moral and Pastoral Theology* (New York, 1938), II, 144.

[6] *Manuale Theologiae Moralis* (Freiburg, 1938), I, n. 66.

[7] *Summa Theologiae Moralis* (Paris, 1938), II, n. 362.

Fr. Comyns argues from the phrase *virgo oppressa,* sometimes used by theologians and implied in the Penitentiary decision, that the reference is to a woman subject to "overwhelming physical violence." Now, the fact is that some authors use this phrase of a girl who is not subject to "insuperable physical violence," inasmuch as she is able to avoid rape if she will put up with some physical or moral injury. Thus, Prümmer, in the passage cited above, uses the word *opprimitur* of a girl who is certainly not subject to "overwhelming physical violence." Billuart speaks of a *mulier vi oppressa* and says that she must resist as much as she *morally* can, explaining that she would not have to lose her life or her good name in defense of her bodily integrity, "because if there is danger of this (and there is no danger of internal consent to the pleasure) she is not obliged to resist *externally* with so great detriment."[10] Damen says that a *mulier oppressa* who can escape violation by crying out—and who, consequently, is not subject to "*insuperable* physical violence"—is very probably not obliged to take this measure.[11] St. Alphonsus refers to the girl "who can prevent the intercourse" as a *mulier oppressa.*[12] In fine, a *mulier oppressa* can be a woman who is not subject to *overwhelming* physical violence, since she can preserve her integrity if she wishes, but is not obliged to do so at the cost of her life or even of her reputation.

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[8] *Theologia Moralis* (Naples, 1939), II, n. 192.

[9] *Theologia Moralis* (Cologne, 1729), lib. III, pars. I, n. 916.

[10] *Op. cit.,* I, n. 66.

Now, applying the analogy given by the Penitentiary, a married woman whose husband wishes condomistic relations, is not bound to resist him physically, even if she could thus ward him off, if by such resistance she would have to endure some very great evil. There is no reason why this should be only a physical evil. If a virgin is justified in permitting herself to be raped because otherwise she would lose her reputation, why cannot a married woman abstain from physical resistance to condomistic relations if some very great moral evil, such as the breakup of the home, would otherwise ensue? The reason underlying this solution is that mere abstention from physical resistance is not intrinsically wrong. In the words of Billuart, speaking of the virgin: "To resist externally is an affirmative precept, which does not bind for all times (*pro semper*) and with so great loss."[13]

Fr. Comyns says that St. Alphonsus, though holding the milder view to be speculatively probable, states that the stricter opinion must be "by all means persuaded." I agree fully with the holy Doctor that the commendable course for a girl placed in the predicament we are considering, and for a married woman in the analogous plight, is to resist at all costs. But the very fact that St. Alphonsus said that the stricter view is to be "persuaded" (the reason being chiefly that there is usually danger of consent) shows that he did not regard non-resistance as *formal co-operation* to an intrinsically evil action.

2. To understand the response of the Sacred Penitentiary given April 3, 1916, we must consider the question to which it was a reply. The question was: "May a wife (under threat of death, etc.) *co-operate* with her husband (a) in the act of natural onan-

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[11] *Theologia Moralis* (Turin, 1939), I, n. 605.

[12] *Op. cit.*, lib. III, n. 430.

[13] *Cursus Theologiae* (Paris, 1874), De Actibus Humanis, Diss. I, art. 6.

ism; (b) in the act of sodomy." The answer was that the former may be lawful, the latter is always sinful.

Now, when we speak of co-operation in an action without any further qualification, we mean deliberate, active participation in that action. When we say simply that a man co-operated in a robbery, we mean that he had an active, positive part in the perpetration of the crime. We do not say that he co-operated in the theft of his own watch and wallet merely because he did not resist the robber. When we speak of the co-operation of a woman in sexual relations, without any qualification, we mean that she takes a deliberate, active part in the coitus, reciprocating to the man by responsive activity and taking pleasure in the act. We do not call her mere non-resistance *co-operation* without any qualification. (Some refer to it as *material* co-operation—but none of the authors I have read call it *formal* co-operation or co-operation unqualified.) What the decision stated was that, according to approved authors, a woman may co-operate in the act of onanism—that is, she may deliberately and actively concur in the act of her husband as long as it is conformable to God's law, enjoying its pleasure—but she may not deliberately and actively concur in an act of sodomy. The decision had nothing to say about the lawfulness or the unlawfulness of mere *submission,* without physical resistance, to the sodomitic activities of a husband. For, certainly, this is not co-operation, at least in an unqualified sense.

Fr. Comyns argues that from the fact that a wife is being forced under fear of death to sodomitic relations it follows that the question refers to formal co-operation on her part *ex fine operis,* not *ex fine operantis,* and he seems to identify this type of co-operation with unresisting acceptance. He argues to this distinction between co-operation formal *ex fine operis* and formal *ex fine operantis* in this wise: Since the woman is urged by fear to the act, she does not desire it; therefore her will is not in the act, and thus it is formal co-operation *ex fine operis,* not *ex fine operantis.* Now, in the first place, he takes it for granted that unresisting acceptance on the part of the wife is formal co-operation—and that is the very point that is denied by those who hold the view I defend. Secondly, his argument does not take into consideration the fact that an action can be *voluntarium simpliciter* and *involuntarium secundum quid.* A woman may not wish to enter on the unnatural act, yet if she does so under the impetus of threats and then co-operates actively, she is actually willing it. It was this to which the Penitentiary referred, since only active participation can be called co-operation without any qualification. The precise significance of *morem gerere*—"to comply with" or "to gratify"—is to be sought in the wording of the question. It means simply that she may not comply with her husband's request that she *co-operate* in sodomy with him, by active, reciprocal participation.[14] It makes no reference to unresisting acceptance (given a justifying reason).

Fr. Comyns says: "It is almost unthinkable that any priest should ask the Sacred Penitentiary if it is ever permissible to give formal and direct consent to the sin of another." Now, the very decree itself tells us that what was actually asked was something which it was "almost unthinkable that any priest should ask." "Miratur vehementer S. Poenitentiaria quod opposita sententia cum humanae naturae dedecore in quorundam sacerdotum animis (ut refertur) insidere potuerit." Does this not indicate that the question referred to formal co-operation in the unqualified sense—both *ex fine operis* and *ex fine operantis?*

Would it have been surprising in 1916 if a priest had had the idea that in certain circumstances unresisting submission to sodomy by a wife is sometimes permitted? Hardly, in view of the fact that for at least fourteen years, in Tanquerey's *Synopsis Theologiae Moralis,* the text-book of thousands of seminarians, it was stated that not a few theologians held that unresisting submission by a wife even to sodomitic relations is permissible in certain circumstances.[15] And it should be noted that at the present day Cappello, though aware of the decision of April 3, 1916, teaches:

> For a most grave reason a wife may lawfully endure the sodomitic intercourse of her husband, or hold herself passive, under this twofold condition: a. That she endeavors to prevent this coitus, and only toler-

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[14] It is interesting to note how this decree is summarized in DB, *Enchiridion:* "Declaratur, (a) uxorem ob mortis aut gravium molestiarum minationem cooperari posse ad mariti copulam interruptam, (b) minime vero, ne mortis quidem vitandae causae, ad copulam sodomiticam" (Nota, 2239). It should be noted that *cooperari* is applied to both responses. Since it signifies deliberate, active co-operation in the first, why not the same in the second?

[15] *Synopsis Theologiae Moralis* (Baltimore, 1902), I, Supplementum, n. 36.

ates it when she cannot prevent it without danger of a most grave evil; b. That she does not consent to the pleasure then arising.[16]

Evidently Cappello interprets the decision in question as referring to active co-operation, not to passive submission. And Noldin-Schmitt[17] and Davis[18] teach the same doctrine. It is to be noted that these authors do not speak of the necessity of *physical* resistance, nor do they say that the *gravissimum malum* must be some *physical* injury, nor that "only when the wife is overwhelmed by superior physical force may she remain passive." And if these principles hold in the case of the unnatural sin of sodomy, there is no reason why they should not be applied to the unnatural sin of condomistic intercourse.

3. The third argument of Fr. Comyns is drawn from the nature of the act of condomistic intercourse. He says that there is an essential difference between natural onanism and condomistic relations, and with that I agree. But when he says that condomistic relations are always sinful, I make a distinction. On the part of the husband, they are always sinful; on the part of the wife they are sinful if she gives deliberate, active, immediate co-operation to the act. But if she is physically passive, merely tolerating it both internally and externally, and there is no great danger of her consenting to the pleasure, she is guilty of no sin, provided that a well-founded fear of some most grave evil, that would ensue from her refusal, justifies this form of passivity. In the words of the Fourth Council of Malines: "The wife who is urged against her will to co-operate with a husband addicted to the practice of onanism, if the husband uses a condom may not give co-operation, even material, because such an act is perverse in itself; but on account of fear of a most grave evil, such as fear of death or of another equivalent evil, *she is permitted not to resist the assailant.*"[19]

In conclusion I wish to add a word of warning to confessors. Before a wife, urged to condomistic relations, may be permitted to refrain from physical resistance (when this is necessary to prevent the act) she must have sound reason for believing that very grave evils will otherwise eventuate. These evils need not necessarily be physical, such as death or a severe beating; they can be of the moral order, such as the certain break-up of the home with the necessity of sending the children to an asylum, or (perhaps) the scandal and disgrace that would ensue if her refusal brought about protests from her husband that would be heard by the children. I do not think that the cases in which there is sufficient justification for unresisting submission are of frequent occurrence. I believe that usually a wife who is accustomed to submit to her husband's use of a condom must be refused absolution unless she gives assurance that the custom is going to stop. But in the rare event that all the conditions are verified—when there is no danger that the wife will give deliberate consent to the unlawful venereal pleasure and there is well-founded fear that most grave evils will follow physical resistance—I believe that she may abstain from physical resistance and submit passively to the sinful act of her husband.

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[16] *De Sacramentis* (Rome, 1939), III, n. 815.

[17] *De Sexto* (Innsbruck, 1938), n. 71.

[18] *Op. cit.*, IV, 260.

[19] Cf. Gougnard, *Tractatus de Matrimonio* (Malines, 1937), p. 299.

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1691 - 1945?

Sermons are plentiful in our day, but results are few. This awe-inspiring ministry is looked upon as a benefice conferred upon a friend so that he can become known and acquire a reputation. So much so, that it seems as if the preacher alone is the interested party. To say that he is "successful" does not mean that the multitude has been converted, but that people cry: "He certainly is a clever man! He'll go far!" And the preacher is applauded like the victor in an oratorical contest. When a preacher is not effective, no one pities the people who have found in his sermons no spiritual sustenance; no one even laments the fact that the word of God has been unproductive of results; no, pity is lavished on the preacher as a brilliant man who really should "go over" better. As if a preacher mounts the pulpit so that a congregation may pass judgment on his skill as an orator! As if he were not really there to persuade a group of Christian people of a truth which he himself has deeply penetrated, and to reproach them for their sins against the law of God!

—*La véritable manière de prêcher selon l'esprit de l'évangile* (Paris, 1691), pp. 30-31.

MEMBERSHIP IN THE CHURCH

The recent and brilliantly written book, *The Church and the Papacy,* by Dr. Trevor Gervase Jalland, offers the fortunately unusual spectacle of a distinctively non-Catholic thesis being founded, to some extent at least, on an opinion previously set forth in the name of Catholic theology. The non-Catholic thesis is Dr. Jalland's rejection of the dogma of papal infallibility. The opinion, propounded by Fr. M. J. Congar and Fr. Victor White, states that the Catholic Church includes within its membership many men and women who are not visibly within its communion.

Dr. Jalland's use of this opinion is quite ingenious. He notes that the Vatican Council, in proclaiming the dogma of papal infallibility, taught that the Holy Father possesses "that infallibility with which the divine Redeemer wished His Church to be endowed in defining doctrine on faith and morals."[1] Dr. Jalland reasons that, since the infallibility of the Roman Pontiff is that of the Church itself, if the Church turns out to be a type of society incapable of any real infallibility, the prerogative which the Vatican Council ascribed to the Pope must be considered as meaningless. He regards the theories of Fr. Congar and Fr. White as "admissions" on the part of Catholics that the true Church is a society which, though visible, is actually amorphous. Such a society, according to Dr. Jalland, would be incapable of any absolute infallibility, in teaching, in reaction, or in consent. In the light of these "admissions" he considers his own thesis vindicated.

> It would seem to follow from this that until the attainment of corporate and organic reunion on a basis which includes a restoration throughout the reunited Church of what is sometimes called 'the historic episcopate', or as we should prefer to say, 'real hierarchy', some latitude must be allowed to exist regarding the Church's limits and hence a considerable lack of precision in the question of membership and non-membership must be conceded.
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> It is this inability to draw absolute distinctions in these questions which appears to make it impossible to ascribe an absolute infallibility to the Church as it is today.[2]

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[1] Cf. *DB* 1839.

[2] *The Church and the Papacy* (London: Society for Promoting Christian Knowledge; New York: Morehouse-Gorham Co., 1944), p. 541.

There is nothing particularly original about Dr. Jalland's main thesis. He is quite willing to acknowledge a papal primacy, but he demands the rejection of the Catholic claim of papal infallibility. His attitude is typical of one group of Anglicans. The Anglican Commission on Christian Doctrine, appointed by the Archbishops of Canterbury and York reported it some years ago.

> With regard to the Church of the future, some of us look forward to a reunion of Christendom having its centre in a Primacy such as might be found in a Papacy which had renounced certain of its present claims; some, on the other hand, look forward to union by a more federal type of constitution which would have no need for such a Primacy.[3]

Dr. Jalland is, like his coreligionists, concerned with the Church of the future. He is convinced that, at the moment, there is no such thing as an absolutely infallible Church. He believes that, for this reason, there can be no absolutely infallible Papacy. As a matter of fact, he is somewhat skeptical about the possibility of absolute infallibility, even in the Church of the future.

> If, however, it be said that to make infallibility of this sort depend upon a perfect reconstruction of the Christian ἐκκλησία is equivalent to a denial of its attainability under human conditions, we can only say that this may well be the right answer. To some it may seem reasonable to hold that in a state in which 'we walk by faith, not by sight', absolute infallibility is neither possible nor even desirable. Hence it may well be that such infallibility is not that 'with which the divine Redeemer willed that His Church should be endowed'.[4]

Dr. Jalland's teaching on the question of ecclesiastical infallibility need not concern us to any great extent. It is interesting to note, however, that he has given us an extremely practical illustration of the unity of sacred theology. The doctrine of papal infallibility is manifestly contained in the deposit of divine public revelation. In order to reject this truth, Dr. Jalland, consistent reasoner that he is, finds himself compelled to deny the infallibility of the Church as it is today. He finds himself in a position in which he is forced to deny the inherent indefectibility of the Church, and to compromise its very visibility. The man who begins with an academic interest in denying the Catholic claim of papal infallibility comes ultimately to dream of a fallible and changeable Church which is the pillar and ground of truth, and within which the God of truth will dwell forever.

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[3] *Doctrine in the Church of England. The Report of the Commission on Christian Doctrine appointed by the Archbishops of Canterbury and York in 1922* (New York: The Macmillan Co., 1938), p. 126.

[4] *Op. cit.*, p. 541.

Far more important than Dr. Jalland's own conclusion is the Catholic theological opinion which he uses in the service of his thesis. Some theologians, Mazzella and Zubizarreta among them,[5] had been able to persuade themselves that there was only an unimportant and verbal difference between opposing theses on membership in the Catholic Church. Dr. Jalland's use of one of these opinions as an instrument for the denial of the dogma of papal infallibility should serve to dispel this illusion quite thoroughly. In thus using the teachings of Fr. Congar and Fr. White, Dr. Jalland has done a great favor to the cause of Catholic ecclesiology.

DR. JALLAND'S SOURCES

Dr. Jalland cites two Catholic "admissions." One of these deals with the position of individual non-Catholics with reference to the true Church of Jesus Christ. The other treats of the place of non-Catholic religious communities or societies in the same Church. The first "admission" is taken from a magazine article by Fr. White.

> There is something wrong with the facile assumption that the distinction of Catholics from non-Catholics, of members of the Church from non-members of the Church, is always a manifest one. . . . Certainly the Church is visible, and visible by reason of the visibility of her members and her organization. But the edges are very blurred.[6]

Dr. Jalland is quite frank about this passage. "The obvious inference," he says, "appears to be that it is impossible to give any absolutely clear-cut answer to the question, 'Who are members of the Church?' "[7]

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[5] Cf. Mazzella, *De Religione et Ecclesia Praelectiones Scholastico-Dogmaticae,* ed. 4a (Rome, 1892), p. 465; and Zubizarreta, *Theologia Dogmatico-Scholastica ad mentem S. Thomae Aquinatis,* ed. 3a (Bilbao, 1937), I, 444.

[6] Jalland (*op. cit.* p. 538) cites the article from *Blackfriars,* Sept. 1941, p. 457. The paper was reprinted, with the parts quoted by Dr. Jalland, in *Orate Fratres* XV (1940-41), pp. 551 ff. In *Orate Fratres* it is entitled "Who belong to the Mystical Body?" The text cited is found on p. 552.

[7] *Op. cit.,* p. 538.

The second of the two "admissions" is that of Fr. Congar. The first part of this deals in general with non-Catholic religious bodies.

> We cannot say that any dissident Christian body whatever is a member of the *Una Ecclesia.* Nevertheless, it would seem to the present writer that the various dissident Christian bodies, each in a very varying degree, may be regarded in some fashion as *elements* of the Church.[8]

Dr. Jalland then cites another statement of Fr. Congar relative to the privileged position of the oriental dissident sects among the non-Catholic communions.

> We may admit therefore, that while Protestant communities are but "elements" of the Church . . . the Eastern Orthodox communities have a true though incomplete ecclesiastical reality and can be in a sense called churches.[9]

The citations from Fr. Congar and Fr. White evoke this comment from the author of *The Church and the Papacy.*

> These admissions may be rare and exceptional, but they may at least suggest that not even Roman Catholicism itself has succeeded in establishing an absolute delimitation of the Church, any more than an absolute distinction between membership and non-membership.[10]

THE THEORY OF FATHERS CONGAR AND WHITE

Both Fr. Congar and Fr. White insist that at least some professed non-Catholics are in reality and in some way members of the Catholic Church. Fr. Congar is quite clear on this point.

> If we believe that the Catholic Church is the Church of Jesus Christ and veritably His Mystical Body, there is only one kind of recognition which we can, theologically speaking, accord to the Christian status of our separated brethren and the saved condition of the "good heathen," namely, the recognition that these are in fact our brethren and in some way members of the Catholic Church. That is a conclusion which we cannot evade.[11]

If it is really a "conclusion which we cannot evade," an answer which imposes itself on the theologian, it must have the status of a fully formed thelogical conclusion. Contradiction of this conclusion should, according to Fr. Congar, incur the note of error. Fr. Congar's appraisal of his thesis seems somewhat too enthusiastic.

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[8] *Divided Christendom. A Catholic Study of the Problem of Reunion* (London: Godfrey Bles: The Centenary Press, 1939), p. 242.

[9] *Ibid.*

[10] *Op. cit.,* p. 539.

[11] *Op. cit.,* p. 223.

Speaking of baptized persons who are "separated from the visible communion of the body," Fr. White is even more explicit. Such persons remain "members." The body from which they are separated is "incomplete" without these people.

> Their loss is a grievous one, and not only to themselves. It is a loss to the visible fellowship itself inasmuch as it deprives it of the collaboration and association of its own members. Amputation is sometimes inevitable and necessary to prevent greater evils to the whole organism. But amputation is always evil, not only to the amputated member, depriving it of the life of the whole body, but also to the body itself, depriving it of completeness, and sometimes of some of its functions. So, as Fr. Congar has well argued, the divisions of Christians are a grievous loss to the Church herself, frustrating the fulfilment of her *factual* universality, and so frustrating the fulfilment of her divine mission to unite mankind in visible fellowship with Christ.[12]

Thus both Fr. Congar and Fr. White contribute to one of the most remarkable, and one of the most deplorable, tendencies in modern Catholic literature. They must be numbered with those who seek, in one way or another, to ascribe to the Church of God in this world an extension greater than that which is visible in the Catholic communion. This tendency has taken several forms. Otto Karrer has spoken of "an invisible Church of good men and women in a state of grace *even outside* the communion of the visible Church."[13] Fr. Gruden has written of an invisible kingdom of God, which is the communion of saints, "an invisible society, a 'church' or *'ecclesia'* in the *broad sense,* a moral body," taking in as members in this world, not only Catholics but "others who are outside the pale of the Catholic Church, who have *not been baptized* or who, even though baptized, profess a false religion through invincible ignorance."[14]

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[12] *Op. cit.,* p. 559.

[13] *Religions of Mankind* (New York: Sheed and Ward, 1938), p. 262.

[14] *The Mystical Christ* (St. Louis and London: B. Herder Book Co., 1936), p. 161.

Peter Lippert has held that all persons in the state of grace constitute the "soul" of the Church,[15] while Karl Adam affirms that such persons belong to the soul of the Church.[16]

It is to the distinct credit of Fr. Congar and Fr. White that they reject the teaching about an invisible Church distinct from the visible Catholic Church, and that they refuse to employ the terminology of "body" and "soul" of the Church in dealing with their problem. However, Fr. Congar informs us that "It is only the wording that we take exception to." As far as the distinction between the "body" and the "soul" of the Church is concerned, "it is perfectly plain that in some way or other we must make the distinction which it implies and answer the question which it involves."[17] Fr. Congar's way of making the distinction is to assert that "Christendom (*christianisme*) is more extensive than the visible reality of the Church."[18] The "visible reality of the Church" turns out to be the Catholic communion. The sects are "elements" within *"christianisme,"* the Church endowed in some way with an extension greater than that of the society obedient to the Bishop of Rome.

Fr. White, on the other hand, chooses to base his teaching principally upon a supposed elasticity inherent in the term "member." According to him, the ascription of membership or non-membership in the Church is necessarily something fluid.

> It is largely a matter of deciding where to draw the line, and that, from the very nature of the case, is to some extent arbitrary. The term "member" of any community is a metaphorical one taken from the limbs and organs of the physical body, and its application to a social organism is necessarily more or less elastic. That does not mean that the truth expressed by the metaphor is unreal or unimportant. But it does mean that your standard of comparison will be somewhat fluid.[19]

Despite the fluidity which Fr. White attributes to the term, he acknowledges a meaning usual in the literature of Catholic theology. He acknowledges also that the use of the term in a sense looser than the usual one may be very misleading.

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[15] *Die Kirche Christi* (Freiburg im Breisgau, 1935), p. 262.

[16] *The Spirit of Catholicism* (New York: The Macmillan Co., 1931), p. 170.

[17] *Op. cit.*, p. 225.

[18] *Op. cit.*, p. 222.

[19] *Op. cit.*, p. 556.

> St. Robert Bellarmine and Cardinal Mazzella distinguished between "being a member of the Church" and "belonging to the Church." And certainly we avoid many misunderstandings if we restrict the term "member of the Church" to its strictly legal meaning of the "subject of rights and obligations," which is what is usually understood by "member" of any society. Such restriction of the term is certainly more in accordance with ancient usage, it would seem to be at least the more common practice among more recent theologians, and the application of the term to those who are not in fact within the visible communion of the Church, the partakers of the *rights* of membership, is certainly apt to be extremely misleading. But it is of paramount importance to remember that, in denying the title of "member" to those who are deprived of the rights of visible membership, we are not thereby necessarily affirming that they do not belong to the Church in any sense at all. . . . [20]

Yet, strange to say, the very procedure which Fr. White denounces as "certainly apt to be extremely misleading" is the one which he adopts himself. In the same article he speaks of those separated from the visible communion of the Church as the Church's "own members."

THE MEANING OF MEMBERSHIP

In order to understand the validity of Fr. White's position, we must be able to appreciate his contention that the term "member of the Church" is an elastic standard of comparison. Actually he is quite mistaken in teaching that the original meaning of "member of the Church" was equivalent to the ordinary present-day usage. One of the most influential of all the ecclesiologists, the Dominican Cardinal John de Turrecremata, used the term in a much more restricted sense. Overanxious to carry out the metaphor of the mystical body, Turrecremata reasoned that a dead member is not a member in the true and proper sense of the term at all. Hence he refused this designation to Catholics in the state of mortal sin. With a curious reversal of a common though unscientific modern terminology, Turrecremata cites Alexander of Hales to the effect that sinners are of the Church but not of the body of the Church. They can be called members only equivocally.[21]

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[20] *Op. cit.*, p. 557. St. Robert and Mazzella distinguished "being a member of the Church" and "being subject to the Church."

[21] Cf. *Summa de Ecclesia* (Venice, 1560), p. 69^r.

The influence of Turrecremata's terminology was very strong even in the time of St. Robert Bellarmine. St. Robert actually answers an objection in terms of this wording.[22] But a new era in the use of the term came in with St. Robert. He used as synonyms "member of the Church," being "of the Church (*de Ecclesia*)," being "in the Church," "belonging to the Church (*pertinens ad Ecclesiam*)," and "part of the Church." When he wished to be most precise, it was the last term that he used.[23] For St. Robert, being a part of the Church was being one of those of whom the Church, as a *coetus hominum,* was composed. Only those who professed the true Catholic faith, enjoyed the communion of the sacraments, and lived under the direction of their legitimate ecclesiastical pastors, and thus under the direction of the Holy Father, were considered as parts or members of the Church.

St. Robert's immediate successors in the field of ecclesiology completed the repudiation of Turrecremata's phraseology. Gregory of Valentia saw no reason for taking the distinction between a part of the Church and a member of the Church very seriously.[24] Adam Tanner and Francis Sylvius completed the work.[25] They rejected the older use of the word "member" and made it equivalent to "part." From their time to our own the term has never had any other meaning in the literature of traditional Catholic ecclesiology. The term is certainly metaphorical in its origin. It is not, and it has never been, confused in its meaning.

There is no doubt whatsoever about the fact that one man can be more perfectly united to the Church than another. All acknowledge that a Catholic in the state of grace is living consistently with his membership in the Church, while a Catholic in the state of mortal sin is not. Nevertheless, the fact remains that *membership* in the

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[22] *De Controversiis Christianae Fidei adversus huius Temporis Haereticos. Quarta Controversia Generalis, De Conciliis et Ecclesia Militante, Liber Tertius, De Ecclesia Militante, Toto Orbe Terrarum Diffusa* (Ingolstadt, 1586), I, col. 1290.

[23] He speaks of a "part" of the Church in the second chapter of the *De Ecclesia Militante,* in establishing his famous definition of the Church.

[24] Cf. *Commentaria Theologica* (Ingolstadt, 1603), III, col. 168 f.

[25] Cf. Tanner, *Theologia Scholastica* (Ingolstadt, 1627), III, col. 135; Sylvius, *Libri Sex de Praecipuis Fidei Nostrae Orthodoxae Controversiis cum Nostris Haereticis,* Lib. III, *De Ecclesia.* (In the *Opera Omnia* [Antwerp, 1698], V, 252 f.)

Church is an indivisible reality. A man is either a member of the Church or he is not. The requisites for membership are quite visible in themselves. If a man possesses these requisites, he is a member or a part of the Catholic Church. If he lacks them, he is not a member. It is not only misleading but false to infer otherwise.

THE THEOLOGICAL BACKGROUND OF THE CONGAR-WHITE THEORY

Although the literature of sacred theology offers no excuse for confusion about the meaning of the term "member of the Church," it does reveal a good many conflicting opinions about the application of this designation. There have been four main stages in the development of theological teaching about those who must be counted as within the Church of Jesus Christ.

The older scholastic ecclesiologists were content to teach that the faithful are within the Church, and that infidels of all sorts are not in it. These notions were not subject to any considerable analysis. This attitude is manifest, in the writings of Turrecremata and Michael Vehe, in the fifteenth century and in the early part of the sixteenth.[26]

St. Robert censures another attitude, which appeared in the writings of the great Franciscan controversialist, Alphonsus a Castro. Alphonsus is blamed for teaching that "baptized heretics and apostates are members and parts of the Church, even though they openly profess false doctrine."[27] St. Robert considered this teaching as manifestly false. It is interesting to note that Alphonsus was engaged principally in trying to prove that heretics could be punished by the Church, and, in explaining his position, he confused membership in the Church with subjection to it. He was never suspect of latitudinarianism.

The third stage in the development of the theology on membership in the Church was the period of the great classical ecclesiologists. During this time the theologians distinguished sedulously between the cases of occult heretics and manifest heretics, and applied themselves to the problem of the relation of catechumens to the Church.

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[26] Cf. Turrecremata, *op. cit.*, p. 4r; *Vehe, Assertio Sacrorum Quorundam Axiomatum* (Leipzig, 1535). Vehe held that "infidels and impious persons not initiated through faith, . . . do not belong to the spiritual kingdom which we call the Church."

[27] Cf. *De Ecclesia Militante,* cap. 4 (*op. cit.*, col. 1266). Alphonsus taught this theory in his *De iusta haereticorum punitione,* Lib. III, cap. 24. In the *Opera Alphonsi a Castro* (Paris, 1571), col. 1392.

All the great theologians of this epoch were agreed on one point. A manifest heretic, one who openly professed a doctrine opposed to the divine message preached by the Catholic Church, could not be counted as a member of this Church. On other points they differed sharply. Thomas Stapleton,[28] St. Robert Bellarmine,[29] John Wiggers,[30] and Francis Sylvius[31] denied that catechumens are members of the Church. Francis Suarez held that they were.[32] St. Robert asserted unequivocally that occult heretics were members of the Church.[33] Stapleton held that these people were united to the Church by the external, but not by the internal bonds of unity.[34] Wiggers[35] and Sylvius,[36] following the teaching of Stapleton, agreed that these hidden heretics were joined to the Church by outward bonds, but insisted that this sort of union was not sufficient for membership in the strict sense of the term. They thus refused to acknowledge occult heretics as components of the society which is the true Church of Jesus Christ. Suarez held this position even more strongly.[37]

Thus, in the time of the greatest ecclesiologists, there were two positions unequivocally opposed to one another. St. Robert taught that possession of the external bond of unity alone, the profession of the true faith, the communication of the sacraments, and subjection to legitimate pastors, constituted a man as a member of the Church. A man did not become a member of the Church through the acquisition of any internal virtue. He did not leave the Church by the loss of any virtue, even that of faith itself. For St. Robert,[38] as for Becanus[39] after him, the true Church of Jesus Christ was "as visible and palpable an assembly" as any of the political units which flourished in the world of his day. Membership in such an organization could be acquired only through a process of visible initiation. It could be lost only through a visible repudiation of the Church by apostasy, heresy or schism, or through a visible expulsion from the communion of the Church.

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[28] Cf. *Principiorum Fidei Doctrinalium Relectio Scholastica et Compendaria* (Antwerp, 1596), p. 12.

[29] Cf. *De Ecclesia Militante,* cap. 3, col. 1265 f.

[30] Cf. *Commentaria de Virtutibus Theologicis* (Louvain, 1689), p. 109.

[31] Cf. *op. cit.,* p. 238.

[32] Cf. *Opus de Triplici Virtute Theologica* (Lyons, 1621), p. 160.

[33] Cf. *op. cit.,* cap. 10, col. 1296.

[34] Cf. *op. cit.,* p. 13.

[35] Cf. *op. cit.,* p. 116.

[36] Cf. *op. cit.,* p. 242. Wiggers refused to consider occult heretics as members of the Church out of a certain sympathy with Turrecremata's use of the term "member." Sylvius, on the other hand, based his contention on the belief that the internal bond of unity was more important than the external bond in the Church.

[37] Cf. *op. cit.,* p. 162.

The opposite position was that of Suarez. According to the great Spanish Jesuit, membership in the Church was acquired through the possession of divine faith, and was lost with the rejection of that faith. The teachings of Wiggers and Sylvius represented a sort of compromise between these two positions. With St. Robert these two great theologians demanded the baptismal character for membership in the Church. With Suarez they demanded the actual possession of faith. Their position, along with that of Suarez, soon vanished from the field of classical theology by reason of the telling arguments adduced by St. Robert, who, with Stapleton, made the definitive contributions to this portion of ecclesiology.

A fourth stage in the process of development of the doctrine on membership in the Church became manifest through the writings of Cardinal Franzelin. Where the great classical ecclesiologists had distinguished between manifest and occult heretics, Franzelin and those whom he influenced began to distinguish between formal and material heretics. According to Franzelin "those who are only *materially* in some sect are, by reason of true faith and the baptismal character, members of the one Catholic Church of Christ in the internal forum and in the eyes of God."[40] The old Cardinal realized that the Church did not regard such people as its members, and that it demanded an abjuration of heresy from them before admitting them to its communion. Nevertheless, the attitude of the Church was, according to his theory, only a presumption. He teaches us that "in the external forum and in the judgment of the Church, the adults in this group are presumed to be heretics and schismatics."[41]

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[38] Cf. *op. cit.*, cap. 2, col. 1264.

[39] Cf. *Manuale Controversiarum Huius Temporis* (Würzburg, 1623), p. 38.

[40] *Theses de Ecclesia Christi* (Rome, 1887), pp. 402 ff.

Franzelin merely made an adaptation of the old position of Wiggers and Sylvius, and rejected the doctrine of St. Robert and Stapleton. Manifestly he was influenced in doing this by the confusion which had entered nineteenth century ecclesiological literature as a result of the abuse of St. Robert's terminology on the "body" and the "soul" of the Church at the hands of men like Tournley, Legrand, Kilber, and Liebermann.[42] Franzelin was scholar enough to reject the terminology which made people "belong to the soul of the Church," but the extravagant nonsense about this "membership in the soul of the Church," had made such an impression in the field that even thoughtful and scholarly writers were inclined to take the doctrine expressed under these terms too seriously.

The author of an anonymous *Compendium Theologiae Dogmaticae* published at Turin in 1881 gave what is perhaps the clearest and the most radical statement of the teaching which has been adopted by Fr. Congar. The writer of this manual who, like the then Archbishop of Turin, Archbishop Gastaldi, was manifestly an ardent admirer of Rosmini's doctrines, teaches that "whoever has social contact with Christ, even *in voto,* belongs as a member to the Church of Christ."[43]

The great Jesuit Bishop, Michael d'Herbigny, is the most illustrious and forceful proponent of the Sylvius-Franzelin theory in our own time. D'Herbigny teaches that, *juridically,* baptized non-Catholics who have never been guilty of the sin of formal heresy are public and notorious heretics. He notes, however, that the baptism which these people have received incorporates them into the true Church and makes them subjects of that Church. Furthermore, it is his contention that the incorporation into the true Church which was effected by baptism is not dissolved as long as these people do not break the bonds of unity by a personal and formal sin. For this reason d'Herbigny calls upon the faithful to rejoice because the Church can present many unknown members to God.[44] This, of course, is basically the position of Fr. Congar and Fr. White.

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[41] *Ibid.*

[42] For an explanation of the treatment of St. Robert's terminology at the hands of these men see *The American Ecclesiastical Review,* CXI, 3 (Sept. 1944), 217 ff.

[43] There is reason for believing that Canon Luigi Verlucca was the author of this treatise.

What amounts to a highly complex exposition of the theory of Franzelin and d'Herbigny is found in the manuals of De Groot[45] and Paris.[46] According to these writers there are no less than six ways of being a member of the Church. (1) Catholics in the state of grace are members of the Church and of our Lord perfectly and completely. (2) Catholics in the state of mortal sin are members completely but imperfectly. (3) All baptized infants are members completely. (4) Heretics in good faith and in the state of grace are members of the Church incompletely but perfectly. (5) Heretics in good faith but in the state of mortal sin are members both incompletely and imperfectly. (6) Excommunicated persons or catechumens in the state of grace are members of the Church perfectly.

The French Marist, Fr. David, taught that a child brought up in a sect which acknowledges a doctrinal magisterium, as long as he remains in inculpable ignorance, belongs implicitly to the Catholic Church by reason of the predominant intention by which he would wish to be a member of this society, if he knew it to be the true Church of Christ. David held that such individuals were Catholics in the eyes of God.[47] The Jesuit, Fr. Bernard Tepe, exemplifies the confusion which had befogged some theologians as a result of abusing St. Robert's terminology. Tepe was under the impression that he was defending the system and the definition of St. Robert. Actually, he taught that there are four requisites for membership in the Church, (1) valid baptism, (2) the *sincere* profession of the true faith, (3) communion with the rest of the faithful, with the bishops, and with the Holy Father, and (4) freedom from excommunication.[48] This is the system of Sylvius and Wiggers, a system opposed to that which Tepe imagined that he was defending. Tepe would thus exclude from the Church only those heretics whose profession of false doctrine involved a formal sin against the faith. He would, like Suarez, make actual faith a condition for membership in the Church.

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[44] Cf. *Theologica de Ecclesia* (Paris, 1928), II, 279 ff.

[45] Cf. *Summa Apologetica de Ecclesia Catholica ad mentem S. Thomae Aquinatis* (Regensburg, 1906), pp. 74 ff.

[46] Cf. *Tractatus de Ecclesia Christi* (Turin, 1929), p. 41.

[47] Cf. *Theologia Dogmatica Generalis* (Lyons, 1893), I, 550 f.

[48] Cf. *Institutiones Theologicae in Usum Scholarum* (Paris, 1894), I, 365 f.

THEOLOGICAL EVALUATION OF THE CONGAR-WHITE THEORY

Despite the manifest learning and ability of some of the writers who teach that material heretics are members of the Church, the consensus of scholastic theology is definitely opposed to this opinion. The distinguished Jesuit theologian, Ludwig Lercher, qualifies the thesis which denies that material public heretics, the members of non-Catholic religious bodies who are in these assemblies through no moral fault of their own, are members of the Church as *"doctrina communis et solide fundata."*[49] Another Jesuit, the great theologian, Emil Dorsch, writes that "you can take it as certain that these manifest material heretics do not belong to the Catholic Church. They must still be received into the Church. Therefore they are not yet of the Church."[50]

The famous Fr. Van Noort holds that public heretics, whether in good faith or in bad faith, are not members of the Church.[51] The Jesuit, Jean Vincent Bainvel, teaches that manifest heretics and schismatics, even those who are only materially such, are outside the true Church. Bainvel speaks of these individuals as members of the Church in potency, not in act.[52] The same teaching is found in the manuals of Brunsman-Preuss[53] and Cardinal Louis Billot.[54] The distinguished American theologian, Dr. E. Sylvester Berry, states explicitly that manifest heretics are not members of the Church. This holds true whether their heresy is formal or only material.[55]

The English Jesuit, Sylvester Hunter, also gives a complete and satisfactory explanation of membership in the Church. He follows the principles laid down by St. Robert Bellarmine. Hunter, like all other theologians, insists that a child baptized among heretics becomes a member of the Church by the very fact of his baptism. But he adds, "if in the course he come to hold heretical doctrine, however inculpably, and avows it, a misfortune befalls him, and his membership of the Church of Christ is severed; and this is most probably the case with most persons who are brought up in heretical communions."[56] The Franciscan Gabriel Casanova[57] and the Redemptorist Fr. Herrmann[58] agree in teaching that public heretics are outside the Church, as do Bishop Henry Charles Lambrecht[59] and Dominic Palmieri.[60]

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[49] *Institutiones Theologiae Dogmaticae* (Innsbruck, 1934), I, 417.

[50] *Institutiones Theologiae Fundamentalis* (Innsbruck, 1928), II, 495.

[51] Cf. *Tractatus de Ecclesia Christi* (Amsterdam, 1913), I, 168.

[52] Cf. *De Ecclesia Christi* (Paris, 1925), p. 112.

[53] Cf. *A Handbook of Fundamental Theology* (St. Louis and London: B. Herder Book Co., 1931), III, 240.

[54] Cf. *Tractatus de Ecclesia Christi* (Rome, 1927), I, 296 ff.

[55] Cf. *The Church of Christ. An Apologetic and Dogmatic Treatise* (St. Louis and London: B. Herder Book Co., 1927), p. 226. Dr. Berry's explanation on this point is one of the best in scholastic literature.

Although they confuse their teaching on this point by injudicious use of the terms "body" and "soul" of the Church, Hugo Hurter,[61] Herman Dieckmann,[62] Fr. De Brouwer,[63] and Reginald Schultes[64] make it evident that they do not consider those manifestly in heresy as members of the Church. Antony Michelitsch goes a bit further than the rest, and refuses the designation of member of the Church to any heretic, formal or material, public or occult.[65] Cardinal Mazzella[66] and Archbishop Valentine Zubizarreta,[67] must also be classed among those who reject the teaching of Franzelin. Patrick Murray taught that much of the doctrine about membership in the Church was a matter of conjecture, but held that, externally at least, those who are in the non-Catholic communions are not in the Church.[68]

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[56] *Outlines of Dogmatic Theology* (New York: Benziger Brothers, 1894), I, 279 f.

[57] Cf. *Theologia Fundamentalis* (Rome, 1899), pp. 264 f.

[58] Cf. *Institutiones Theologiae Dogmaticae* (Lyons and Paris, 1937), I, 346.

[59] Cf. *Demonstratio Catholica seu Tractatus de Ecclesia* (Ghent, 1890), p. 54. Lambrecht held that public material heretics belonged to the Church *"voto quidem seu animo"* but that they did not belong *"realiter."*

[60] Cf. *Tractatus de Romano Pontifice cum Prolegomeno de Ecclesia* (Prato, 1891), p. 262. Palmieri proves his contention that public heretics are not members of the Church primarily by observing that if they were in the Church, this society would be in great part afflicted with error about the faith. It is the correct use of the principles used by Dr. Jalland.

[61] Cf. *Theologiae Dogmaticae Compendium* (Innsbruck, 1878), I, 203 ff.

[62] Cf. *De Ecclesia. Tractatus Historico-Dogmatici* (Freiburg im Breisgau, 1925), II, 255.

[63] Cf. *Tractatus de Ecclesia Christi* (Bruges, 1881), p. 237.

[64] Cf. *De Ecclesia Catholica Praelectiones Apologeticae* (Paris, 1931), p. 96.

[65] Cf. *Elementa Apologeticae sive Theologiae Fundamentalis* (Graz and Vienna, 1925), p. 327.

[66] Cf. *op. cit.*, p. 468

[67] Cf. *op. cit.*, p. 444

Archbishop Zubizarreta claims that manifest material heretics of the sort that does not know about the magisterium of the Church are not members of this society. These are the sort of persons whom Fr. Congar and Fr. White admit as members. Tanquerey teaches that any external and notorious heresy breaks the bond of the unity of Catholic faith, and thus infers that such persons are outside the Church. [69] Canon Hervé teaches that material heretics who are inculpably ignorant of the one true Church are juridically and canonically outside of the Church. He claims, however, that such persons, by reason of good faith, can belong to the Church *aliqualiter et in voto*.[70] His position represents a sort of approach to the teaching of Franzelin.

Undoubtedly there is a certain amount of confusion in theological literature today on the subject of membership in the Church. The same conditions which prompted Patrick Murray to assert that most of what was written on this subject was a matter of conjecture, and which brought Mazzella (himself a proponent of the doctrine that manifest heresy excludes a man from membership in the Church) and Zubizarreta to declare that the disputes on this point were mostly a matter of words, exist today. These conditions include a studiously elastic use of the term "member of the Church" and a desire, on the part of some theologians, to manifest what may be called the tolerant aspect of Catholicism. In their anxiety to show that we regard members of outside communions as the recipients of a divine vocation to eternal life, they have gone to the extreme of trying to conceive these individuals as our fellow members within the Church of God.

Furthermore, they have been influenced, to a great extent at least, by the doctrine of the necessity of the Church for salvation. They have been confronted with the fact that the Church is so necessary. They have realized that the way is open to all men to be saved. Furthermore they are aware of the fact, fundamental in Catholic teaching, that it is possible for a man who dies without being a member of the Catholic communion to be saved.

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[68] Cf. *Tractatus de Ecclesia Christi* (Dublin, 1860), I, 204.

[69] Cf. *Synopsis Theologiae Dogmaticae* (Paris, Tournai, and Rome, 1937), I, 671.

[70] Cf. *Manuale Theologiae Dogmaticae* (Westminster, Maryland: The Newman Bookshop, 1943), I, 451.

From all of this they have arrived at the implication that, in some way or another, all of those men and women who are eligible for salvation, or in the state of habitual grace, must be members of the Church. They have not considered the classical doctrine, a commonplace in scholastic ecclesiology since the days of Thomas Stapleton and St. Robert Bellarmine, that a man may be saved either by being a member of the Church or by intending to enter this society as a member. In their anxiety to find a sort of membership which would apply to all men of good will, they have voided the term "member" of its essential meaning, and they have thus occasioned confusion about the nature of the Catholic Church itself.

Part of this confusion has come from an amateurish and unscientific use of technical theological terminology. The great classical ecclesiologists frequently spoke of men being saved either through being in the Church, or through being members of the Church, *"in voto."* Later and less brilliant writers tended to imagine that there were two ways of being members of the Church, *"in re"* and *"in voto."* As a matter of fact, the man who is a member of the Church *"in re"* is really and actually a part of the true Church. He is one of the persons who compose the society. The man who is a member *"in voto"* is one who is in the Church in desire. In other words, he wishes to become a member of the Church. The thing desired is always an absent good. The man who desires to be a member of the Church is precisely one who does not, at the moment, enjoy this privilege. By making it appear that membership in the Church and desire of attaining membership were two ways of being within the Church as parts of this society, the proponents of the theory which Dr. Jalland has employed have been of little service to the cause of Catholic theology.

It was unfortunate that Dr. Jalland did not avail himself of the authoritative doctrine of the *Mystici corporis* when he set out to find what Roman Catholics teach about membership in the Church. The words of the Holy Father are clear enough, and they are manifestly opposed to the doctrine which Dr. Jalland considers "admissions" on the part of Catholics. According to Pope Pius XII, "Only those are really to be included as members of the Church who have been baptized and profess the true faith and who have not unhappily withdrawn from Body-unity or for grave faults been excluded by legitimate authority."[71] This is an authoritative statement of the standard theology of St. Robert.

Furthermore, the Holy Father makes it clear that even those who desire to enter the Church are not members until such time as they enter its visible unity. Speaking of those "who do not belong to the visible organization of the Catholic Church," he includes in this number those who "even though unsuspectingly they are related (*ordinentur*) to the Mystical Body of the Redeemer in desire and resolution (*desiderio ac voto*)" must still retire from a state in which they cannot be sure of their salvation.[72] The teaching of Franzelin and Congar obtains no support whatsoever from the *Mystici corporis*.

Progress in the line of theological study certainly does not involve casting doubt on conclusions which are assured. It does mean a use of the conclusions already available for an ever more perfect understanding and presentation of the divine message which the priests of the Catholic Church are commissioned to teach. In this it means the use and the appreciation of the genuinely certain theological conclusions on membership in the Catholic Church for the defense of the Church against the foes who assail her today, and for the instruction of the members themselves, and the enlightenment of those who are moved by divine grace to seek membership. The days when the dissident oriental patriarchs are meeting in Moscow to plan some sort of substitute for the primacy of the Holy Father, when articles like those of Mr. Fey and addresses like those of Mr. Vale are received in our own country, are no days for indulging in dangerous amateur theologizing about the nature of the Church.[73]

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[71] *AAS*, XXXV (1943), p. 202. Cf. The America Press edition, n. 29.

[72] *Ibid.*, p. 242. The English translation (n. 121) is faulty at this point.

[73] Dr. Connell's warning on "An Approach to Compromise," published in the February issue of *The American Ecclesiastical Review*, is instructive on this matter.

THE CONCLUSIONS

The truth on the points treated in the citations from Fr. Congar and Fr. White may be expressed in the following conclusions:

(1) The members of the true Church of Jesus Christ are those who profess the true faith, and enjoy the communication of the sacraments, under the rule of legitimate pastors, and in particular under the rule of the Holy Father. Those baptized persons who are in communion with the Bishop of Rome are the members, and the only members, of the true Church of Jesus Christ.

(2) All baptized persons are subject to the laws of the true Church of Jesus Christ, whether they are members of this society or not.

(3) Those persons who are not parts or members of the Catholic Church, but who are in the state of grace, enjoy this grace as men and women who intend, implicity or explicitly, to enter the Church as members.

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ONE EXPLANATION OF "LIBERALISM"

Mr. Murray praised the ancient philosophers for the candour and good humor with which those of different sects disputed with each other. JOHNSON: "Sir, they disputed with good humor, because they were not in earnest as to religion. Had the ancients been serious in their belief, we should not have had their Gods exhibited in the manner we find them represented in the poets. The people would not have suffered it. They disputed with good humor upon their fanciful theories, because they were not interested in the truth of them: when a man has nothing to lose, he may be in good humor with his opponent."

—James Boswell, *The Life of Samuel Johnson, L.L.D.* (New York: The Modern Library, 1931), p. 618.

Answers to Questions

PLEDGE OF THE LEGION OF DECENCY

Question: What binding force has the pledge of the Legion of Decency, usually taken by Catholics in this country every year, whereby they promise to stay away from indecent motion pictures, not to frequent theatres where objectionable pictures are regularly shown, etc.? From what virtue does it bind? Does it bind *sub levi* or *sub gravi?*

Answer: At most, this pledge would seem to be only a promise; and it is a general principle that a promise, of itself, binds *sub levi,* from the virtue of fidelity. However, by reason of the matter promised, the fulfilment of this pledge may be a grave obligation, binding under pain of mortal sin. A person to whom attendance at an objectionable picture would be a grave occasion of sin would ordinarily sin mortally by attending such a picture. Furthermore, even apart from the danger to the individual himself, one who would scandalize others by going to see a bad picture would fail seriously against the virtue of charity. This is an important point to remember, particularly in relation to the pictures put in Class B—objectionable in part. A person might be able to see one of these pictures without grave spiritual danger to himself; but if his attendance would encourage others to attend, to whom such a picture would be a serious danger, he would ordinarily be guilty of a grave sin of scandal.

CONFESSIONS OF CATHOLICS OF OTHER RITES

Question: Can a Latin priest by virtue of the faculties he receives from his own bishop hear the confessions of Oriental Catholics, and *vice versa?*

Answer: That a Latin priest possessing faculties from his own bishop can validly absolve Oriental Catholics of whatever rite within the territory of his jurisdiction is clearly stated in Canon 881, §1. That an Oriental Catholic priest having faculties from a bishop of one of the Oriental rites who has jurisdiction over the place in which the confessions are heard can validly absolve Latin Catholics is also incontestable, as is evident from a number of decisions of the Congregation of Propaganda (cf. Cappello, *De Sacramentis* [Rome, 1938], II, 1038).

However, it is important to note a qualification of this general principle. A priest of the Greek-Byzantine rite, approved by his Ordinary for confessions, cannot validly and licitly absolve in a church or oratory which is subject to the exclusive jurisdiction of the Ordinary of the Latin rite unless the latter has expressly granted him faculties. This ruling was passed by the Sacred Congregation for the Oriental Church, August 26, 1932 (*Sylloge,* n. 173). On December 2, 1932, the Sacred Congregation of the Propaganda legislated that a priest of the Latin rite cannot validly and licitly hear confessions and give absolution in a church or oratory which is subject to the exclusive jurisdiction of the Ordinary of the Greek-Byzantine rite, unless the latter has expressly granted him the faculty to do so (*Sylloge,* n. 175. Cf. Bouscaren, *Canon Law Digest,* II [Milwaukee, 1943], 218).

A practical case that might occur in the United States is this: A pastor of the Latin rite has some Catholics of the Greek-Byzantine rite living in his parish. There is no church of their rite within a convenient distance, but occasionally the pastor invites a Greek-Byzantine priest to come to his church and there hear the confessions of these people, offer the Holy Sacrifice and give them Holy Communion. Now, even though the Oriental priest has faculties from his own bishop, the Latin pastor should be sure that he also has faculties from the Latin Ordinary of the place, if he is going to hear confessions in the church.

Similarly, if a priest of the Latin rite were to hear confessions in a church or oratory subject to the exclusive jurisdiction of the Greek-Byzantine bishop, the absolution would be invalid, as well as illicit, unless he had received faculties from the Greek-Byzantine bishop.

It is to be noted that these restrictions refer to the *place* of the confessions rather than to the *rite* of the *penitents.* Thus, there is no difficulty about the confessions of Latin Catholics made to a Greek-Byzantine priest in a church of his rite, or of the confessions of Greek-Byzantine Catholics to a Latin priest in a Latin church. Neither is there any difficulty about the confessions heard outside a church or oratory—for example, in a hospital—by a priest of a rite different from that of the penitents, provided the priest has faculties for the sacrament of Penance from some Catholic bishop having jurisdiction in the place where the confessions are heard.

This solution does not take into account the possibility of jurisdiction supplied by common error, which could occur, at least in the case when an Oriental priest hears confessions in a Latin church (Canon 209). But, even supposing this, it must be remembered that it is unlawful for a priest knowingly and deliberately to induce common error, at least when jurisdiction can be procured in the normal way.

Both Latin and Greek-Byzantine priests should be careful to observe these decrees and apply for the requisite faculties before they attempt to hear confessions in a church or oratory subject to the exclusive jurisdiction of the Ordinary of the rite other than their own.

FRANCIS J. CONNELL, C.SS.R.

THE CRUCIFIXION PICTURE AT THE BEGINNING OF THE CANON

Question: What is the explanation of the picture of the Crucifixion which always appears in the Missal on the page opposite the beginning of the Canon?

Answer: A picture of the Crucifixion has always appeared in our printed Missal, on the *verso* of the page immediately preceding the initial words of the Canon. This is the case in the first printed Mass book, that after the reform of Pope St. Pius V, which was published at Milan in 1574. A copy of this *editio princeps* is preserved in the Ambrosian Library, Milan, where it is catalogued as S.Q.N. III, 14. The book is edited by Robert Lippe in Vol. XVII (1899) of the Liturgical Texts of the Henry Bradshaw Society.

The origin of the picture is traced to the fact that the first prayer of the Canon, the *Te igitur,* begins with the letter T, which is itself a representation of the cross. In many early liturgical books this letter was beautifully illuminated and made of increasingly larger size so that it developed into the Crucifixion picture, which has now for a long time faced the beginning of the Canon. It is true that our oldest Sacramentaries, like the Gelasian and Gregorian, lack this illuminated initial, the opening of the Canon being marked simply by a heading, before what we now call the Preface, reading: *Incipit Canon Actionis.* No picture is found in the Church ordinals, known as the Stowe and the Bobbio Missals. A splendid illumination of the T, however, marks this prayer in the Anglo-Saxon Missal of Leofric (tenth century) and in the fourteenth century Salisbury Missal the elaborate illumination of this letter represents Abraham about to sacrifice Isaac, the Old Testament prototype of the sacrifice of Calvary.

THE SALIVA AT BAPTISM

Question: I have heard that it is no longer necessary to use saliva in touching the ears and nostrils of the subject in the ceremony of Baptism. If this be true, what is the authority for the change?

Answer: The authority for the suppression of the use of saliva in the ritual for Baptism is found in a decree of the Sacred Congregation of Rites, dated Jan. 14, 1944. This legislation directs that the rubric of the Ritual (Tit. II, Cap. ii, 13) be amended to read that in the future the priest need not moisten his thumb with saliva before touching the ears and nostrils of the candidate, at the words: *Ephpheta, etc.,* whenever there is any reasonable question of cleanliness (*causa munditiei tuendae*) or any danger of infection. *In praxi,* therefore, as either one or the other of these reasons may always be legitimately invoked, there is now no necessity for the use of saliva in performing this ceremony. The priest may merely touch the ears and nose of the subject with his unmoistened thumb, saying: *Ephpheta, quod est, adaperire, in odorem suavitatis.* Baptism is thus relieved of a very awkward feature incident to its administration. The priest will no longer have to choose between the Scylla of using the palm of his left hand as a reservoir for the accommodation of a number of infants and the Charybdis of wetting his thumb as though to facilitate turning the page of the book.

ONE PURPLE COLOR FOR ALL DIGNITARIES

Question: Is a distinction to be made between the purple color to be worn by *Monsignori* and that prescribed for Bishops?

Answer: The Sacred Congregation of Ceremonial, on June 24, 1933 (*AAS,* XXV [1933], 341), published a decree that a uniform purple color is to be worn by all dignitaries for whom robes of that shade are prescribed, whether Cardinals who wear it as a mourning color, Bishops who wear it in their ordinary dress, or *Monsignori* who are privileged to use it in their choir dress and for certain portions of their ceremonial costume. The same Sacred Congregation, on the occasion of the decree, issued a card showing the official *color violaceus* to which in the future the shade of all prelatial robes should correspond. While we make a distinction in English between the penitential violet to be worn in Lent and Advent as the color of the vestments and the gala purple, the distinctive color worn by Church dignitaries in their ceremonial costume, it is evident from consultation with the card just mentioned that the latter color is meant by the word *violaceus* when it is used in the *Caeremoniale Episcoporum* to describe the robes of a Bishop and in the Constitution of Pius X (Feb. 21, 1905), *Inter multiplices,* when it is employed to designate the color of the prelatial garments, distinctive of *Monsignori.*

USE TORCH-BEARERS AND HAVE THEM KNEEL

Question: If extra candles are lighted on the altar just before the *Sanctus* at High Mass is it necessary to have torch-bearers also? If the latter are used, should they stand up when the clergy rise after the Elevation or should they remain kneeling until the end of the distribution of Holy Communion?

Answer: The *Ritus servandus in celebratione Missae,* in the beginning of the Missal (VIII, 8) says simply that at Solemn Mass at least two torches are to be lighted by the acolytes. These are to remain burning until after the Elevation unless there are people to receive Holy Communion, in which case they are not extinguished until after Holy Communion. It is further provided that on ferials which are fast days and at Mass of *Requiem* the torches burn until after the Communion.

Interpreting this direction of the Missal to mean that the torches in question are to be carried, rather than to be candles lighted on the altar, the *Caeremoniale Episcoporum* (II, viii, 68) prescribes that four, six, or eight ministers in surplice, at Pontifical Mass, bring in lights (*funalia*) at the *Sanctus* and, holding them, kneel in the sanctuary. The Missal itself (*loc. cit.*) presumes that the torches are carried by minor ministers as it says of the torches: *tenentur accensa.*

Lighting candles on the altar is a popular substitute for the use of torches borne on by acolytes or sometimes used also in addition to the latter. The more accurate observance of the direction of the Missal, however, would be the employment of only torches carried on by altar-boys. This is the conclusion of liturgical writers generally as will be evident by consulting any standard ceremonial. Our "Baltimore Ceremonial" (5th ed., p. 149) has the acolytes bring on the torches at the time mentioned in the Missal but recommends the use of four special torch-bearers at High Mass, in which case the acolytes remain at their places near the credence table. Fortescue (*Ceremonies of the Roman Rite Described,* 3d ed., p. 104) also prefers special torch-bearers, not the acolytes of the Mass, who should be two, four, or six in number, according to the solemnity of the occasion. No mention is made of lighting extra candles on the altar.

Whenever torch-bearers are used they kneel with their torches the entire time they are holding the tapers, whether until just after the Elevation, when on ordinary occasions they return to the sacristy, or whether they remain until after Holy Communion, as they are directed to do when Holy Communion is to be distributed at High Mass or when the Mass in question is on a ferial fast day or is a Mass of *Requiem.* This is clear from the *Caeremoniale Episcoporum* (*loc. cit.*) as well as from authorities like Martinucci (*Lib.* II, *cap. iv,* 172; *cap. v,* 8; *cap. vi,* 19; *cap. x,* 92, 100).

WILLIAM J. LALLOU

VIRTUE

Virtue consists in a perception of God, and everything seems hard so long as you are unacquainted with Him. When you know Him, everything becomes easy.

—Lactantius, *De Divinis Inst.,* VI, 23.

ANALECTA

The September number of the *Acta Apostolicae Sedis* reports, besides a decree of the Sacred Congregation of Rites, two letters and two allocutions of our Holy Father, as well as his radio message to the world delivered on September 1, 1944, the fifth anniversary of the war.

The decree of the Sacred Congregation of Rites[1] records the signing by our Holy Father of the document authorizing the introduction of the cause of the Servant of God, Clement Marchisio, Founder of the Institute of the Daughters of St. Joseph.

A letter of our Holy Father issued on the Feast of Pentecost, May 28, 1944[2] delegated His Eminence, Cardinal Goncalves Cerejeira, the Patriarch of Lisbon, for the consecration of the new Cathedral in the City of Lourenco Marques, the capital of Mozambique, giving him the rank of Apostolic Legate for the ceremony, and extending the Apostolic Blessing to him, to the missionaries, and to all who would attend.

Another letter of our Holy Father issued on August 4, 1944,[3] extended the Apostolic Blessing and congratulations to His Eminence, Cardinal Enrico Gasparri, Bishop of Velletri, and Prefect of the *Signatura Apostolica* on the occasion of the fiftieth anniversary of his ordination, referring to the congratulations extended four years previously on the occasion of the twenty-fifth anniversary of the Cardinal's elevation to the episcopate, and expressing joy at the opportunity of renewing our Holy Father's benevolence towards the flock entrusted to the Cardinal's care, especially at a time when they have experienced the shock of war. The Apostolic Blessing is extended to the Auxiliary Bishop, and to the clergy and people of the Diocese.

The allocutions are responses made to the Envoys of Colombia and The Netherlands, respectively, on August 13, 1944,[4] and August 16, 1944,[5] on the occasion of the presentation of their credentials.

[1] *AAS,* XXXVI (1944), 267.

[2] *Ibid.,* p. 259.

[3] *Ibid.,* p. 260.

[4] *Ibid.,* p. 262.

[5] *Ibid.,* p. 264.

The radio message[6] deals with the reconstruction of the world on a Christian foundation, noting that this is not only a civic duty but a postulate of conscience. It emphasizes the capacity of Christian civilization to bring the most varied national cultures into harmony on essentials through the unity of moral standards, adverting to the fact that the Christian heritage is still strong in the hearts of many who have strayed. An appeal is made to all who own this heritage to join in defense against atheist and anti-Christian tendencies, especially in the setting up of a Christian economic and social order. The raising of the proletariat is a moral obligation as part of this program, but private property is its basic foundation, but private property operating in subordination to the common good. Reference is made to the plight of Rome, and an appeal is made for aid, while gratitude is expressed for that already generously granted. A warning is voiced against profiteering and a word of intercession in behalf of the value of services which might be rendered by sincere and honest men who may heretofore have been in another political camp. Hope in the establishment of competent world agencies for peace is expressed and a desire that prisoners of war may be liberated as soon as exigencies permit.

RECENT PONTIFICAL APPOINTMENTS ANNOUNCED IN THE *Acta Apostolicae Sedis*

Protonotary Apostolic: ad instar participantium:

August 15, 1944: Rt. Rev. Msgr. William A. Gilfilian, of the Diocese of Trenton.

Domestic Prelates of His Holiness:

June 13, 1944: Rt. Rev. Msgr. Joseph L. Hauck, of the Diocese of La Crosse.

June 21, 1944: Rt. Rev. Msgrs. Francis Xavier Shea, Patrick O'Donnell, and Patrick O'Boyle, of the Archdiocese of New York; and James Henry Griffiths, of the Diocese of Brooklyn.

June 28, 1944: Rt. Rev. Msgrs. Martin C. Murphy and John Lawrence Manning, of the Diocese of Charleston.

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[6] *Ibid.*, p. 249. For the N.C.W.C. English translation of the entire message cf. *The Catholic Mind*, XLII (1944), 577.

August 14, 1944: Rt. Rev. Msgrs. John N. Bartholome and Dominic Mangan, of the Diocese of Winona; Nicholas H. Wegner and Jeremiah C. Buckley, of the Diocese of Omaha.

August 16, 1944: Rt. Rev. Msgrs. Joseph S. Marx, John G. Cook, William F. Schulte, Adalbert B. Zadala, Frank A. Pokriefka, Warren G. Peek, and Joseph L. Linsenmeyer, of the Archdiocese of Detroit.

August 17, 1944: Rt. Rev. Msgrs. Tobias G. Morin, Thomas A. Connell, John C. Vismara, Stanley S. Skrzyski, Vincent T. Hanckred, and John J. McCabe, of the Archdiocese of Detroit.

JEROME D. HANNAN

The Catholic University of America,
Washington, D. C.

THE MASTER OF THE SENTENCES UNDERTAKES HIS TASK

In our poverty and weakness, desiring like the poor woman to put something into the Lord's treasury, we have dared to set out on a perilous path and to take up a work beyond our strength. In that Samaritan, Who, having given the two pence for the care of the man left half dead, promised to pay what was wanting on His return, we have placed our confidence that the work will be finished and that it will receive its reward. The veracity of the One Who has given His promise delights us, but the immensity of the task fills us with dread. The desire to aid His cause spurs us on, but our own proneness to fail is a source of discouragement. But zeal for the house of God has overcome this weakness.

Inflamed with this zeal we have tried to defend our faith against the errors of fleshly and brutal men with the shields of the tower, or rather to show that it is so defended, to enquire into the depths of theological questions and to set forth an explanation of the Church's sacraments, as far as we are able.

— The Prologue to the First Book of the Sentences.

MISSION INTENTION

"Mohammedans who live among Christians" is the Mission Intention for the month of April, 1945.

Book Reviews

THE MYSTERY OF INIQUITY. By Paul Hanly Furfey. Milwaukee: The Bruce Publishing Company, 1944. Pp. 192. $2.00.

The social ideal which Jesus Christ proclaimed, for which He died, and unto the building of which the treasures of grace were released, is everywhere flouted and everywhere compromised. Instead of peace, we have war. Instead of love, we have hatred. Ignorance and fear prevail over confident knowledge; Christian hope is almost universally swallowed up in pagan despair. Social order is impeded, where it is not destroyed, by myriad, complex "social problems."

Why is this?

Fr. Paul Hanly Furfey has attempted, with great success, to provide the answer in this latest and best of his books. "Catholic thought recognizes that there is a mystery. The ills of society cannot be explained in purely human terms. 'The mystery of iniquity,' says Saint Paul in his second epistle to the Thessalonians, 'is already at work.' These highly disturbing words teach us that a malign force is operating in this familiar world of ours, and that this force is hidden and mysterious in nature. To comprehend social evil its influence must be taken into account."

Fr. Furfey's book is a commentary, in terms of the actual evils of the hour, on this phrase of Saint Paul. Cogently, eloquently, and accurately he lays bare the work accomplished in our society and our souls by "the mystery of iniquity." And if the picture he paints of the state of society is an ugly one, he has at least indicated, clearly and capably, whence must come its correction.

Those who have heard Fr. Furfey on the evils of "Catholic Conformism" will welcome this book for the permanent form in which it provides his pungent contentions on this particular triumph of the "mystery of iniquity." Preachers, lecturers and writers will be grateful for the provocative "leads" Fr. Furfey's book affords for thought on social morality. They will be especially indebted to him for the clarity with which he exposes the role of the "mystery of iniquity" in the perversion of social work, the complication of the labor problem, and the rise of racism, exaggerated nationalism, and materialistic militarism. The careful documentation of his sources of official Catholic teaching heightens the utility of Fr. Furfey's book for those who wish always to distinguish the preoccupations of the writer himself from the established mind of the Church.

All those whose hearts are troubled by the obstacles placed in the way of the Kingdom of God will find in the twelve chapters of this superb book abundant material for examination of their own consciences and secure ground for a greater hopefulness.

JOHN J. WRIGHT

LENT. A Liturgical Commentary on the Lessons and Gospels. By Rev. Conrad Pepler, O.P. St. Louis and London: B. Herder Book Company, 1944. Pp. x + 406. $4.00.

Both historically and logically, the Epistle and Gospel of the Mass are intended for the instruction of the people. In the selections from Holy Scripture in our liturgical functions, God speaks to us. In the official prayers of the Mass and the Divine Office, we speak to Him. The congregation, then, during the time of Mass, should not devote itself to devotions of its own choice but attend to the readings presented by the Church in the Epistle and Gospel for prayerful consideration. The author has done admirable service for the laity in his analysis, historical, liturgical, and ascetical, of the Scripture readings, which are the lessons of the Masses of the Lenten period. There is considerable erudition shown in the references to the origin and development of Lenten ceremonial practices and interesting application of the Scripture texts to present day ideologies, whether fascist or communistic.

The suggested division of the period of Lent into two almost equal parts of about three weeks each is more symmetrical than liturgical. The classic liturgical division is of four weeks and two, the final fortnight being Passiontide, which the author would begin on the Monday of the fourth week. The emphasis during the first two-thirds of Lent, as exhibited in the liturgy, is on the preparation of the catechumens for Baptism and of the penitents for sacramental reconciliation. When we come to Passion Sunday, the accent is rather on the sufferings of Christ, beginning with the plots of the Sanhedrin against His life. The fourth week of Lent seems to us to be concerned with the preparation for the Easter sacraments, as are the first twenty-five days of the season. It is on Passion Sunday that we usher in the final fifteen days, during which catechumens and penitents take a position secondary to meditation on Christ and Him crucified.

Very logically, the author makes the last three days of Holy Week, the paschal triduum, "a single liturgical event, one day that brings the forty days to their culmination." Anciently, the term *Pascha* meant all three days, instead of Easter Day alone, as it has for centuries. Maundy Thursday looks forward to the great sacrifice of Good Friday, and Calvary must be understood with reference to the resurrection, without which the Cross is the tragedy of failure and not the drama of triumph. "Qui in ligno vincebat, in ligno quoque vinceretur." Liturgically, the ceremonies of Holy Saturday are a celebration of the resurrection, since they belong properly not to the Saturday morning on which they have long been anticipated but to an all-night vigil between Holy Saturday and Easter Sunday morning, so that originally the exultant Mass with which the services close came with an *à propos,* which it lacks today with the celebration anticipated a good twenty hours before it is chronologically due.

The book will be found useful as preparatory reading for those whose laudable custom it is to follow the Mass with the daily Missal in hand. While it would have increased the bulk of the volume somewhat, we think that it would have been advantageous to have included the texts of the lessons instead of simply indicating their Scriptural provenance at the head of the section for each day. A reference to the Roman stations, indicated in the Missal, would also have been helpful, although the author does not see in them the significance which appealed to Cardinal Schuster in *The Sacramentary*. The book is attractively made and conveniently light in weight, which will facilitate its introduction to the many who will profit by acquaintance with its worthwhile contents.

William J. Lallou

The Moral Obligation of Paying Just Taxes. By Martin T. Crowe, C.SS.R. (The Catholic University of America Studies in Sacred Theology, No. 84.) Washington, D. C.: The Catholic University of America Press, 1944. Pp. ix + 175. $2.00.

Nothing, according to the popular maxim, is so sure as death and taxes. Fr. Crowe's doctoral dissertation shows clearly that taxes to the moralist are not quite so sure. He is not sure that there is any obligation in conscience to pay just taxes (purely penal theory); or, if he admits an obligation in conscience, he is not certain whether its source is commutative justice (commutative justice theory) or legal justice (legal justice theory). In a logically conceived work, Fr. Crowe considers each of these theories, as also a minor theory that direct taxes oblige in legal justice while indirect taxes are penal in character. He accepts the legal justice theory.

To the author, the purely penal theory "has little probability either from intrinsic or from extrinsic arguments" (p. 104). He finds that the mind of the lawgiver, so frequently appealed to, has not been shown as favoring a merely penal obligation, while the custom of conscientious men, the second main argument, is not really verified.

The commutative justice theory fares slightly better. It is conceded some, but only a doubtful, probability. Taxation is shown to lack the essentials of a true contract in subject, in matter and in form. The argument that "expenses incurred by one in the name of another must be borne by that other" fails because of the fallacy implicit in it—that the state and the community are separate moral persons with rights one against the other. The power of eminent domain is wrongly appealed to, since this power demands just compensation while taxation does not. Nor does the author consider the authorities in favor of this theory including Suarez, Lugo, St. Alphonsus, and Gury, an insurmountable weight. Not enough probability is conceded to allow a confessor to impose an obligation in commutative justice nor to judge its gravity according to the norms of strict justice.

The comparatively recent legal justice theory is the one which Fr. Crowe accepts. On the basis of his argumentation against the other theories he considers this thesis justified, that "the civic duty of paying taxes is certainly an obligation in legal justice, most probably to the exclusion of commutative justice, the immediate obligation flowing probably from piety" (p. 151). Legal justice is considered as a general virtue directing acts toward the common good, at least by commanding acts of other virtues. The author finds that taxes must be paid from piety, a virtue directed, in this case, by legal justice to the common good. He qualifies this as only "probable" because of the slight probability still existing in the commutative justice theory and because there is no absolutely certain sign pointing to piety as the virtue concerned. In connection with this theory, Fr. Crowe carefully concludes that the two oft-cited scripture texts (Matt. 22:22; Rom. 13:7) establish only the obligation in conscience and not the virtue from which this obligation flows.

Fr. Crowe's work is somewhat uneven. Parts are splendid for clarity and scientific procedure; others are less so. His first chapter, on the notions and divisions of taxes, might have been made less complicated and less abstract. At times his summary of an author's teaching is a little confusing, e.g. Lugo (pp. 49-55). His introduction to the commutative justice theory seems needlessly drawn out. On the other hand, his argumentation is generally splendid. His consideration of the field of literature must be judged complete and his scientific zeal is indicated in the case of Gury wherein he dealt with fifteen editions and continuations.

All will not agree with the final thesis. All will not agree with the author's brief for the impossibility of merely penal laws; or, granting their possibility, for the lack of proof that tax laws are purely penal. These things, however, have been achieved: the challenge has been thrown down to the proponents of the purely penal theory to prove their thesis better than they have heretofore; almost a death-blow has been dealt the commutative justice theory (although some slight probability is still admitted); arguments well-considered, even if not entirely convincing, have been presented for the legal justice theory. In this reviewer's judgment it is now a contest between the purely penal and the legal justice theories, with Fr. Crowe's dissertation putting the burden of proof upon the former and adding much weight to the latter.

WALTER W. CURTIS

MARY, MY MOTHER. By Sister Mary Jean Dorcy, O.P. New York: Sheed & Ward, 1944. Pp. 65. $1.00.

The nature and purpose of this little work are clearly indicated in the sub-title: A Mary-book for little boys and girls. The author has illustrated her own book with ten full-page silhouette illustrations which reveal not only perfect technique but also great originality, inspiration, and an extraordinary charm. It would be difficult to find a more attractive religious book for young children.

The story of the life of Our Blessed Lady is told in a very clear and simple language that is both delightful and inspiring. It is the language of a teacher who possesses the gift of adapting the doctrine about the highest mysteries of Faith to the mind of very young children. One gains the impression that the teacher has caught all the charm of innocence and has learned to reflect that charm in her writings and her drawings. The book is a diminutive Mariology for young readers. It is intended for small children, but even the adult will be charmed by both words and pictures of *Mary, My Mother*.

PASCAL P. PARENTE

SCYLLA AND CHARYBDIS

If a preacher despises praise, but does not teach doctrine "seasoned with grace and salt," he soon becomes contemptible to all, and produces no fruit, notwithstanding his magnanimity. But if he be overcome by vain applause, though irreproachable in conduct, the loss to himself and the people is as great as in the former case, since through a desire of praise he preaches to please his audience rather than to improve them.

—St. John Chrysostom, *On the Priesthood* (Westminster, Md.: The Newman Bookshop, 1943), pp. 108 f.